

## **EXHIBIT 7**

#### PART B: DEFINITION OF TERMS

**Chapter 1** Except as otherwise provided, whenever in the Rules and Regulations the following words or terms are used, they have the meanings respectively ascribed to them as follows:

1.1 **Accountability:** The state of being held responsible by a higher authority for specified job-related results.

1.2 **Accreditation:** A voluntary, self-motivated approach by which organizations seek to achieve, objectively verify, and maintain high quality in their operations through periodic evaluations.

1.3 **Acting:** Serving temporarily in a position to which the employee is assigned by competent authority, usually in a position of higher rank. All the authority, responsibilities, and duties of the higher rank devolve upon the acting employee.

1.4 **Active Duty:** See Tour of Duty.

1.5 **ADA:** The Americans with Disabilities Act (ADA) of 1990 requires departments of any State or Local Government to ensure that qualified individuals with disabilities can participate in, and receive the benefits of, any program, service or activity.

1.6 **AFSCME:** American Federation of State, County and Municipal Employees. See Miami Beach Municipal Employees Contract.

1.7 **Amend:** To alter by adding, deleting, or rephrasing. To improve, make better. To remove the faults or errors of, rectify.

1.8 **Appointment:** The designation of a person by the appointing authority to any position within the Department.

1.9 **Assistant Chief of Police:** The second in command of the Department with Division Commanders reporting directly to him.

1.10 **Authority:** The power to enforce laws, determine, or judge; a person or group invested with this power.

1.11 **Canon of Ethics:** The rules or standards governing the conduct of members of a profession.

1.12 **Captain:** District or Unit Commander.

1.13 **Chain of Command:** The unbroken line of authority from the Chief of Police down through a single subordinate at each level of command, to the level of execution.

1.14 **Chief of Police:** The Executive Head of the Department.

1.15 **City Employee Policy Handbook**  
The rules and regulations as set forth by the City governing types of absences from work, the reporting of those absences, rest periods, lunch hours, etc.

1.16 **City Ordinance:**  
A law enacted by the City Commission of the City of Miami Beach, Florida.

1.17 **City Personnel Rules:**  
The rules and regulations as set forth by the city governing the conduct of all city employees.

1.18 **Civilian:**  
An employee of the Department whose position does not require certification under Florida Statute 943.

1.19 **Command Staff:**  
Consists of the Police Chief, Assistant Chiefs, Majors, Captains and Police Commanders.

1.20 **Commanding Officer:**  
Chief, Assistant Chief, Majors, Captains, Police Commanders, Lieutenants, Managers, Sergeants or Supervisors who are in charge of Divisions, Districts, Units, Sections, Squads, Offices, Shifts, or Staffs. Any officer assigned to exercise command. During the absence of the Commanding officer, the officer designated to relieve such Commanding officer is in command and during that time is the acting Commanding officer.

1.21 **Communications Workers of America Contract:**  
An agreement between the City of Miami Beach, Florida and the Communications Workers of America (CWA), Local 3178. The City recognizes the CWA as the sole and exclusive representative of all the following employees: (Police Department personnel are **bolded**)

<b>Account Clerk I, II, III</b>	Electrical Helper
<b>Administrative Aide I, II</b>	Electrical Inspector
Administrative Assistant I	Electrician
Administrative Secretary	Elevator Inspector
Air Conditioning Helper	Engineering Assistant I, II, III
Air Conditioning Mechanic	Engineering Inspector
Building Inspector	Lifeguard I, II
Buyer	Lifeguard Lieutenant
Carpenter	Mason
Civil Engineer I, II	Masonry Helper
Clerk	Mechanical Inspector
<b>Clerk Typist</b>	Museum Assistant
Code Compliance Field Supervisor	Painter
Code Compliance Officer I, II	Parking Enforcement Specialist I, II
Coin Room Money Handler	Parking Meter Technician I, II
Commission Reporter I, II	Permit Clerk
<b>Communications Operator</b>	Photographer
Communications Technician I	Planner
<b>Community Services Specialist</b>	Planning Technician
<b>Complaint Operator II</b>	Plumber
Data Entry Clerk	Plumber Helper
<b>Dispatcher</b>	Plumbing Inspector
<b>Dispatcher Trainee</b>	Pool Guard I, II
Duplicating Equipment Operator	Secretary

1.22 **Complaint:**  
A report by a citizen, or individual, requesting some degree of police service, responded to by an employee of the Department.

1.23 **Component:**  
See Organizational Component

1.24 **Conduct Unbecoming:**  
Any conduct or act, which has an adverse impact upon the operation of the Department, and destroys public respect and confidence in the Department and its employees.

1.25 **Covert Assignment:**  
A position in an operation conducted to avoid detection, which is divulged only to those directly involved in the operation.

1.26 **Culpable Negligence:**  
Being found at fault for a negligent act.

1.27 **Days Off:**  
Every employee of the Department shall be excused from duty on designated days each week without the loss of pay. The time and manner of excusing employees of the Department from duty shall be determined by the Chief of Police and/or his designee.

1.28 **Department:**  
The Police Department of the City of Miami Beach, Florida.

1.29 **Department Manual:**  
A manual issued to all employees of the Department which contains the following: Department Rules and Regulations, Standard Operating Procedures and Appendixes: City Personnel Rules, City Employee Policy Handbook, Fraternal Order of Police Contract, Government Supervisors Association Contract, Communication Workers of America Contract and Miami Beach Municipal Employees Union Contract.

1.30 **Department Rules and Regulations (DRR):**  
Written directives issued by the Chief which define police purpose, duty and conduct of all Department employees. It also contains City Personnel Rules, City Work Rules, and copies of Department employee's Union Contracts. The DRR is a part of the Department Manual.

1.31 **Department SOPs:**  
Written Directives issued by the Chief relating to permanent directives concerned with policies or procedures. SOPs are a part of the Department Manual.

1.32 **Detail:**  
Employees of the Department, sometimes from more than one organizational component, grouped together for the accomplishment of a specified mission. When not engaged in a continuing operation, the detail is called a special detail.

1.33 **Detective:**  
Officers assigned to an investigative function. The designation is an assignment and not a promotion.

1.34 **Discretion:**  
Freedom to act or judge on one's own.

1.35 **District:**  
A component of the Department in the Patrol Division that is commanded by a Captain and reports to a Major. A District and a Unit are at the same level. The City is also divided geographically into three districts.

1.36 **Division:**  
A component of the Department that operates under the direction of a Division Commander holding the rank of Major and reports directly to the Assistant Chief of Police.

1.37 **Division Order:**

Written orders from a Division Commander that are temporary in nature to announce policies or procedures with respect to that Division and will be incorporated as SOPs into the Department Manual at a later date. No Division Order will supersede or alter a General Order.

1.38 **Division SOP:**  
Written directives issued by a Division Commander relating to permanent directives concerned with policies or procedures within that Division. SOPs are a part of the Department Manual. No Division SOP will supersede or alter a Department SOP.

1.39 **Domestic Violence:**  
Florida Statute; an act of battery, sexual battery, assault, sexual assault, or any criminal offense resulting in physical injury or death of one family or household member by another.

1.40 **Drug Recognition Expert:**  
An officer(s) certified by the National Highway Traffic Safety Authority (NHTSA) and International Association of Chiefs of Police (IACP) to perform drug recognition evaluations.

1.41 **Duty:**  
An act or course of action required by position, law or custom. A service, function, or task assigned to an employee.

1.42 **E.E.O.C.:**  
Equal Employment Opportunity Commission.

1.43 **Employee:**  
Any person, regardless of position, sworn or non-sworn, who is employed by the Department.

1.44 **Exculpatory Evidence:**  
Evidence that shows clearance from an accusation or charge.

1.45 **Extenuating Circumstances:**  
Something arising suddenly out of the current of events; any event or occasional action or remedy; a sudden and unexpected happening or an unforeseen occurrence or condition.

1.46 **F.C.I.C.:**  
Florida Crime Information Center

1.47 **Fidelity Bond:**  
A bond purchased to guard against monetary loss by persons in a relationship of special trust or confidence.

1.48 **Flagrant Act:**  
An act, civil or criminal, or in violation of Department Rules & Regulations, or policies that is so obviously bad or wrong that it is more conspicuous.

1.49 **F.D.L.E.:**  
Florida Department of Law Enforcement

1.50 **Florida Statute Chapter 119:**  
Is known as the Florida Public Records Act; it directs that all documents created and/or maintained by a governmental entity be made available for public inspection.

1.51 **Fraternal Order of Police Contract:**  
An agreement between the City of Miami Beach, Florida and the Miami Beach Fraternal Order of Police William Nichols Lodge No. 8. The City recognizes the F.O.P. as the sole and exclusive bargaining representative for the purpose of wages, hours, and other terms and conditions of employment for: Police Officer Trainees, Police Officers, Sergeants, Lieutenants and Detention Officers.

1.52 **Function:**  
A general term for the required or expected activity of a person or an organizational component; e.g. patrol function.

1.53 **General Order:**  
Written orders from the Chief of Police that are temporary in nature to announce policies or procedures and will be incorporate as SOPs into the Department Manual at a later date.

1.54 **Goal:**  
A relatively broad statement of the end or result that one intends ultimately to achieve. A goal usually requires a relatively long time span to achieve and, whenever possible, should be stated in a way that permits measurement of its achievement.

1.55 **Government Supervisors Association of Florida Contract:**  
An agreement between the City of Miami Beach, Florida and the Government Supervisors Association of Florida (GSAF) OPEIU, Local 100. The City recognizes the GSAF as the sole and exclusive representative of the following employees (Police Department personnel are **bolded**):

Air Conditioning Supervisor	Plumbing Supervisor
Beach Patrol Operations Supervisor	<b>Property Management Operations Supervisor</b>
City Surveyor	Pumping Operations Supervisor
<b>Communications Supervisor</b>	Recreation Supervisor I
<b>Crime Scene Supervisor</b>	Senior Building Inspector
Electrician Supervisor	Senior Engineering Inspector
Electronics/Instruments Supervisor	Sewer Field Operations Supervisor
Fleet Operations Supervisor	Street Lighting Operations Supervisor
Maintenance Supervisor	Street Operation Supervisor
Metered Service Supervisor	Tennis Center Supervisor
Paint Supervisor	Warehouse Supervisor
Park Operations Supervisor	Water Field Operations Supervisor
Parking Facilities Supervisor	Water Service Representative
Parking Operations Supervisor	

1.56 **Headquarters:**  
The police buildings that house the staff offices of the various Divisions and functions that are responsible for policing the City of Miami Beach.

1.57 **Human Resources Department:**  
The City department responsible for all employee matters dealing with City Employees.

1.58 **Immediately:**  
Is to be construed to mean "as soon as possible and practicable."

1.59 **Incident:**  
An event that requires law enforcement action or the dispatching of officers in response to citizen requests for law enforcement services. This includes any incident, whether criminal or non-criminal for which there has been a response to the scene, an investigation, or the preparation of a verbal or written report.

1.60 **Incompetence:**  
Incapable of the satisfactory performance of duties. The lack of any of the following qualities is evidence of incompetence; courage, honesty, emotional stability, sound judgement, alertness, decisiveness, power to observe, initiative, energy, intelligence, or the ability to get along with people.

1.61 **Index:**  
To table, file, or catalogue. Alphabetized listing of names, places, or subjects to simplify reference. The Appendixes are not included in the Index.

1.62 **Insubordination:**  
The willful disobedience of any order lawfully issued by a supervisor, or any disrespectful, mutinous, insolent or abusive language toward a supervisor.

1.63 **Intoxilyzer 5000 Maintenance and Repair Officer:**  
An officer certified by FDLE, CMI, Inc. and IPTM (Institute of Police Traffic Management), to perform any maintenance and repair of the Intoxilyzer 5000.

1.64 **Lawful Order:**  
An order in keeping with the performance of any duty, issued either verbally or written over the signature of the Chief or a commanding officer, or prescribed by law or by the manual, or for the preservation of good order, efficiency, and proper discipline of the Department.

1.65 **Length of service:**  
The length of continuous time an employee has been employed by the City of Miami Beach.

1.66 **Lieutenant:**  
A Unit or Section Commander.

1.67 **Major:**  
A Division Commander who reports directly to the Assistant Chief of Police.

1.68 **Male Pronoun "He" or "His":**  
Whenever used in this manual may refer to either male or female employee, as the case may be.

1.69 **Manager:**  
A non-sworn supervisory employee responsible for commanding a Unit, Section or Shift in the Department.

1.70 **Manual:**  
See Department Manual.

1.71 **Maritime Law:**  
Laws pertaining to waterways and water vessels.

1.72 **Materiality:**  
Important substance.

1.73 **May:**  
Is permissible.

1.74 **Memorandum:**  
An informal, written document that may or may not convey an order; it is generally used to clarify, inform, or inquire.

1.75 **Miami Beach Municipal Employees Union Contract:**  
Agreement between the City of Miami Beach, Florida and the Miami Beach Municipal Employees Union, AFSCME Local #1554. The City recognizes the Union as the exclusive bargaining representative of all the following employees: (Police Department personnel are **bolded**)

Assistant Pumping Mechanic	Equipment Mechanic
Building Attendant	Fire Equipment Mechanic
Community Center Director	Guard
Control Room Operator	Heavy Equipment Operator I, II
Custodial Supervisor	Laborer I, II
Custodial Worker	Maintenance Mechanic
Equipment Attendant	Maintenance Worker I, II, III, IV

	Nursery Supervisor Park Attendant I, II Park Mechanic Park Supervisor I Police Utility Worker Pumping Mechanic Recreation Attendant Recreation Director Recreation Guard I, II Recreation Operations Mechanic Sewer Pipefitter Sewer Supervisor Shop Clerk Stable Worker Storekeeper	Stores Clerk Street Supervisor I Tree Maintenance Supervisor Tree Trimmer <b>Utility Worker</b> Waste Collector Waste Driver Supervisor Water Meter Technician Water Meter Reader Water Pipefitter Water Supervisor Welder Welder Supervisor Whiteway Supervisor I
1.76	<b><u>Motor Vehicles:</u></b> Every vehicle which is self-propelled, including automobiles, vans, motorcycles, and trucks.	
1.77	<b><u>N.C.I.C.:</u></b> National Crime Information Center.	
1.78	<b><u>Neglect of Duty:</u></b> Failure to perform duties as required by statute, ordinance, work rules and regulations, SOPs, or Departmental directives, written or verbal. Examples include: failure to take appropriate action on the commission of a crime, disorder, or other act or condition deserving police attention; absence without leave; failure to report for duty at the time and place designated, unnecessary absence from assigned zone during tour of duty; failure to perform duties prescribed in Rules and Regulations; failure to conform to Department operating procedures.	
1.79	<b><u>Oath:</u></b> A solemn, formal declaration or promise to fulfill a pledge.	
1.80	<b><u>Objective:</u></b> An end or result that one intends to attain in order to achieve partial fulfillment of a goal. An objective is a sub-goal or an element of a goal, and therefore, requires a shorter time to accomplish than does a goal.	
1.81	<b><u>Off Duty:</u></b> The state of an employee during the hours not "on-duty" when free of the responsibility of performing usual routine duties.	
1.82	<b><u>Office:</u></b> A component of the Department performing a specific function that reports to a Manager, a Lieutenant, a Sergeant, or a Supervisor. The exceptions being the Media Relations Office, the Police Athletic League Office, the Fraternal Order of Police Office, and the Police Budget Office, which report directly to the Chief of Police.	
1.83	<b><u>Official Bulletin:</u></b> A Bulletin prepared under the direction of the Assistant Chief, published twice a week to ensure that all employees of the Department are kept fully informed and have up to date information.	

1.84 **Official Correspondence:**  
Letters written on official Miami Beach Police Department letterhead, written in the name of the Chief, with the authorized employee placing their name on the letter and signing it.

1.85 **Officially:**  
Unduly forward manner.

1.86 **On-Duty:**  
The state of an employee during the hours of the day (shift) when actively engaged in the performance of duties. Technically, an employee is on duty and subject to call at all times.

1.87 **Order:**  
An instruction, either written or oral, given by a Supervisor and/or Acting Supervisor to a Subordinate.

1.88 **Organizational Component:**  
A subdivision of the Department, such as a Division, District, Unit, Section, Shift, Squad, Office, Staff, or a position that is established and staffed on a full-time basis to provide a specific function. Each component is named based on the rank of the commanding officer the component reports to.

1.89 **Police Commander:**  
A sworn or non-sworn employee commanding a Unit.

1.90 **Police Officer:**  
An employee of the Department who has police powers. The term is applied without regard to gender, division or duty. See Sworn Officer.

1.91 **Policy:**  
A written directive that is a broad statement of the Department's principles.

1.92 **Post:**  
A fixed point or location to which an officer is assigned for duty. It is the desk, office or other place to which an officer is assigned at the Station; it is also the location where an officer is assigned for specific duty, such as an intersection or crosswalk for traffic duty.

1.93 **Procedure:**  
The official method of dealing with any given situation prescribed by the Department Manual.

1.94 **Proficiency:**  
The additional skills, knowledge, and abilities that are needed to remain competent in performing the duties and responsibilities of a job.

1.95 **Promotion:**  
A change in the employment status of an employee to a position of greater responsibility or higher rank.

1.96 **Promulgated:**  
Announce officially.

1.97 **Rank:**  
Each class of officer within the Department has a rank. The titles of the ranks are:

Chief of Police	Lieutenant
Assistant Chief of Police	Sergeant
Major	Police Officer
Captain	Detention Officer
Police Commander	Police Officer Trainee

1.98 **Ranking Officer:**  
The officer having the highest rank. Officers of the same rank shall grade accordingly to the date of their appointment to that rank. If the dates of appointment are the same, then the total continuous length of service time will prevail. When two or more officers are on duty together, the officer of the highest rank is in command and shall be held responsible for the operation. For a special detail and for a special period, an officer may be designated by the Commanding officer to take command without regard to rank. [12.1.2c][12.1.2d]

1.99 **Report:**  
A written communication, unless otherwise specified, relating to police matters.

1.100 **Reserve Officer:**  
A volunteer, state certified, sworn law enforcement officer, with or without compensation, who possesses the same powers and performs the same duties as a regular, full time officer. Reserve officers have qualifications and training equivalent to full time, regular, sworn officers performing like functions and are utilized to supplement the Department's day-to-day delivery of law enforcement services.

1.101 **Section:**  
A component under a Unit, commanded by a Lieutenant, Sergeant, Manager, Non-sworn Supervisor, or a Sworn Employee and reports to a Captain, a Police Commander, or a Manager. A Section is the same level as a Shift.

1.102 **Selective Traffic Enforcement Program:**  
The assignment of personnel to traffic enforcement activities at times and locations where hazardous or congested conditions exist. Such assignments are usually based on such factors as traffic volume, accident experience, frequency of traffic violations, and emergency and service need.

1.103 **Seniority:**  
A position of higher standing determined first by rank, then by time in rank, then by length of service time in the Department.

1.104 **Sergeant:**  
The rank above Police Officer. Sergeants generally supervise activities at the operational level.

1.105 **Serious Physical Injury:**  
A bodily injury that creates a substantial risk of death; causes serious, permanent disfigurement; or results in long-term loss or impairment of the functioning of any bodily member or organ.

1.106 **Sexual Harassment:**  
Unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature, constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

1.107 **Shall:**  
Is expressive of authority that is mandatory.

1.108 **Shift:**  
A component under a District or Unit, commanded by a Lieutenant or Manager. A Shift is the same level as a Section.

1.109 **Shift Commander:**  
A sworn employee assigned to the Patrol Division who is the Senior Officer in charge.

1.110 **S.O.P. (Standard Operating Procedure):**  
The accepted abbreviation for Standard Operating Procedure. See Department SOP.

1.111 **Span of Control:**  
The number of persons reporting to any one supervisor.

1.112 **Special Event:**  
An activity, such as a parade, festival, athletic contest, or public demonstration, that results in the need for control of traffic, crowds or crimes.

1.113 **Special Incident Notification:**  
A written report used by a Commanding Officer to advise of any emergency, serious crime, or unusual occurrence to the Chief of Police as soon as possible.

1.114 **Squad:**  
A component under a Section or Shift commanded by a Sergeant or Supervisor and reports to a Lieutenant.

1.115 **Staff:**  
A component under an Office performing a specific function that reports to a Lieutenant, Manager, or a Non-Sworn Supervisor.

1.116 **Staff Inspection:**  
An inspection conducted by personnel who do not have control of the persons, facilities, or procedures being inspected.

1.117 **State Law:**  
The statutes of the State of Florida.

1.118 **Subordinate:**  
Lower in rank.

1.119 **Supervise:**  
To assign, direct or manage the activities of a subordinate.

1.120 **Supervisor:**  
An employee appointed to coordinate, direct, and oversee other employees, either temporarily or permanently.

1.121 **Surety Bond:**  
A bond where one assumes responsibility of another.

1.122 **Suspension:**  
The act of temporarily denying an employee the privilege of performing his duties. In consequence of dereliction or other violation of rules, regulations, or orders. Suspension is either a first step in the disciplinary process, or the penalty assessed.

1.123 **Sworn Officer:**  
A certified law enforcement officer, subject to an oath of office and possessing those general peace officer powers prescribed by the Florida Constitution, Florida State Statutes and the City of Miami Beach Ordinance.

1.124 **Table of Organization:**  
A chart establishing the span of control and delineating chain of command within the structure of the Department and is updated at least annually.

1.125 **Termination:**  
The act of terminating (ending) the service of the employee with the Department.

1.126 **Title:**  
The distinguishing name of an assigned position within the Department.

1.127 **Tortious Act:**  
An act giving rise to tort liability.

1.128 **Tour of Duty:**  
The time during which the employees are on duty.

1.129 **Traffic Law Enforcement:**  
Law enforcement as it applies to statutes, ordinances and legally authorized regulations relating to the use of streets and highways and ownership and operation of motor vehicles and other road vehicles.

1.130 **Unit:**  
A component of the Department that is commanded by a Captain, Police Commander, Lieutenant or a Manager and reports to a Major. The exception being the Internal Affairs Unit which reports directly to the Chief of Police. A Unit is at the same level as a District.

1.131 **Use of Force:**  
A defensive response by an officer to overcome a person's physical resistance to an officer's performance of a legal duty, to protect an officer or another person from physical resistance or acts of aggression that are likely to cause bodily harm, or is used to apprehend a fleeing criminal suspect.

1.132 **Written Directive:**  
Any written document used to guide or affect the performance or conduct of Department employees. The term includes Procedures, Rules and Regulations, General Orders, Division Orders, SOPs, Memorandums and instructional material.

1.133 **Written Directive Checklist:**  
A form provided with all manual changes, additions and/or deletions. It explains all amendments and where they are to be inserted into the Manual.

1.134 **Written Directive Receipt:**  
A form which employees are responsible to sign, acknowledging the receipt of each Department Directive they receive. It is each employee's responsibility to review and comply with all Department Directives. For Department Manuals, General Orders and Division Orders, the employee will be required to sign a "Written Directive Receipt" form.

1.135 **Written Directive System:**  
A formal system to provide employees with a clear understanding of the constraints and expectations relating to the performance of their duties.

## PART C: THE ORGANIZATION OF THE MIAMI BEACH POLICE DEPARTMENT [11.1.1]

### Chapter 2 ORGANIZATIONAL STRUCTURE

The organizational structure of the Department shall consist of four Divisions; the Patrol Division, the Criminal Investigations Division, the Technical Services Division, and the Support Services Division. Each Division includes various Districts, Sections, and Units which are grouped by function as determined by the Chief of Police to best serve the citizens of the City of Miami Beach.

The organizational structure of the Chief of Police's Office shall consist of: The Chief of Police, the Assistant Chief of Police, the Internal Affairs Unit, the Media Relations Office, the Police Athletic League Office, the Fraternal Order of Police President's Office, and the Police Budget Office; each is directly responsible to the Chief of Police.

The Department's organizational structure is depicted on an organizational chart indicating the ranks of employees in the chain of command. The organizational chart for the Department shall be posted in an area accessible to all employees, contained in the DRR, and any other location approved by the Chief of Police. The organizational chart shall be reviewed and updated as needed. [11.1.2]

#### 2.1 Office of the Chief of Police

Major functions:

- 1) Chief Executive Officer of the Miami Beach Police Department.
- 2) Maintain liaison with other police departments and law enforcement agencies.
- 3) Oversee the overall operation of the Department.

#### 2.1.1 Assistant Chief of Police

Major functions:

- 1) Assistant to the Chief of Police of the Miami Beach Police Department.
- 2) Supervise and maintain a liaison between the different Divisions and the Chief.
- 3) Plan for response to unusual occurrences. [48.1.1]
- 4) Is the Acting Chief of Police in the absence of the Chief of Police.

#### 2.1.2 Internal Affairs Unit

Major functions:

- 1) Receive all complaints.
- 2) Investigate officer involved shootings.
- 3) Liaison with City Attorneys Office for pending criminal/civil litigation involving the Department.
- 4) Recommend policy/procedure changes to Chief of Police with reference to Internal Affairs investigations.
- 5) Maintain appropriate files as directed by state statute including, but not limited to, complaints, investigations, use of force, special investigations. [52.1.10]

#### 2.1.3 Media Relations Office [54.1.1]

Major functions:

- 1) Prepare news releases for the media.
- 2) Represent the Department at various functions as directed by the Chief of Police.
- 3) Coordinate the Department's media activities.

2.1.4 Police Athletic League Office [44.2.5]

Major functions:

- 1) Manage a wide range of youth programs for the Department and the City of Miami Beach.
- 2) Coordinate and supervise the Police Explorer Program.

2.1.5 Fraternal Order of Police President's Office

Major functions:

- 1) Serve as the representative of the Fraternal Order of Police Union.

2.1.6 Police Budget Office [17.2.1]

Major functions:

- 1) Coordinates, implements, and administers the Department's budget and purchasing activities.

2.2 Patrol Division

The Patrol Division operates under the direction of a Division Commander holding the rank of Major and is comprised of the following sections and units:

2.2.1 Community Police Districts

The Community Police Districts are each under the direction of a Captain and are comprised of a North District, a Middle District and a South District.

Major functions:

- 1) Patrol the streets of the City in marked or unmarked vehicles.
- 2) Respond to calls for police service.
- 3) Take appropriate action when observing crime, persons in distress, or situations where police assistance is needed.
- 4) Enforce all laws as authorized.
- 5) Provide tactical patrol to address specific crime problems.
- 6) Provide mobile patrol.
- 7) Provide field training.
- 8) Provide and coordinate law enforcement for major events and special incidents.
- 9) Maintain public order.
- 10) Attend civic functions and meetings.
- 11) Provide community service.
- 12) Coordinates inter-department task force - community problem solving meetings with other city departments for community enhancement initiatives.
- 13) Provide Area of Responsibility Program.
- 14) Provide Community Enhancement Program - forms for referrals to other city departments.
- 15) Contact persons listed as liaison for district homeowners associations and attendance at meetings by District Captains.

2.2.2 Special Operations Unit

The Special Operations Unit operates under the direction of a Lieutenant and is comprised of the Selective Traffic Enforcement Program Squad, the Marine Patrol Squad, Accident Investigation and DUI Squad, Crime Prevention Squad, the Crime Watch Office and Bicycle/Beat Squad.

2.2.3 Selective Traffic Enforcement Program Squad [61.1]

Major functions:

- 1) Provide traffic enforcement.
- 2) Perform selective enforcement
- 3) Perform speed enforcement
- 4) Address traffic related problems and violations
- 5) Assist with special events, demonstrations, and escorts.

2.2.4 Marine Patrol Squad

Major functions:

- 1) Patrol the jurisdictional waters of the City of Miami Beach.
- 2) Respond to calls for police service.
- 3) Enforce all maritime laws as authorized.
- 4) Provide community programs and education of maritime laws and vessel safety.

2.2.5 Accident Investigation and DUI Squad [61.2]

Major functions:

- 1) Provide traffic accident investigations including traffic homicides.
- 2) Investigate all hit and run accidents.
- 3) Provide intoxilyzer maintenance officer.
- 4) Provide the Drug Recognition Expert (DRE) coordinator.
- 5) Coordinate DUI enforcement and sobriety check points.

2.2.6 Crime Prevention Squad [45.1.1]

Major functions:

- 1) Provide citizen awareness
- 2) Conduct crime prevention surveys, coordinate, supervise and staff various crime prevention programs.
- 3) Conduct active solicitation of persons/groups interested in crime prevention.
- 4) Coordinate and manage the Citizen's Police Academy.

2.2.7 Crime Watch Office [45.1.2]

Major functions:

- 1) Provide a Crime Watch Coordinator
- 2) Assist in the organizing of crime watch groups in residential and business areas.
- 3) Maintain liaison with the crime watch groups and other interested community groups.
- 4) Coordinate community relations type events which are related to crime prevention functions.

2.2.8 Bicycle/Beat Squad [41.1.4]

Major functions:

- 1) Provide patrol functions in a specific area while on either a bicycle or on foot.

2.3 Criminal Investigations Division [42.1]

The Criminal Investigations Division operates under the direction of a Division Commander holding the rank of Major and is comprised of the following units:

2.3.1      **Criminal Investigations Unit**

The Criminal Investigations Unit operates under the direction of a Unit Commander holding the rank of Captain.

Major functions:

- 1) Investigate reported unsolved crimes.
- 2) Identify and disseminate crime trends, locate suspects, arrest offenders, and assist the State Attorney's Office for successful prosecution of cases.
- 3) Collect, evaluate, analyze, interpret, and disseminate criminal data in major crime categories which may be of immediate or potential value. [15.1.1]
- 4) Develop and implement proactive policing strategies.
- 5) Provide dignitary protection for visiting dignitaries.

2.3.2      **Juvenile Section [44.1]**

Major functions:

- 1) Supervise and direct the Juvenile Squad, the Housing Authority Office, the Gang Squad, the School Resource Officer Squad, and the School Crossing Guards Office.
- 2) Manage the Department's delivery of juvenile services.

2.3.3      **Juvenile Squad**

Major functions:

- 1) Conduct investigations in which a juvenile is either the victim or the suspect, other than death investigations.
- 2) Investigate all missing persons cases, elderly abuse cases and all bicycle theft cases.
- 3) Provide prevention and control of juvenile delinquency.
- 4) Track sexual predators registered with the State of Florida who reside in Miami Beach.

2.3.4      **Housing Authority Office**

Major function:

- 1) Identify family problems and refer to appropriate governmental or private agencies for assistance.
- 2) Provide enforcement and initiate investigations when deemed appropriate.
- 3) Provide housing residents with information concerning resources within the police, the community and other municipal departments.
- 4) Provide police community relations through working with youth groups as a role model, attending tenant and community meetings.

2.3.5      **Gang Squad**

Major functions:

- 1) Investigate all gang related crimes other than death investigations
- 2) Collect intelligence on gang activity.
- 3) Work with other agencies to track gang members

2.3.6      **School Resource Officer Squad [44.2.4]**

Major functions:

- 1) Serve as representatives of the Police Department at their assigned school.
- 2) Focus on the prevention of juvenile delinquency through frequent contacts with children and through programs specifically developed to respond to those factors and conditions which give rise to delinquency.
- 3) Administer the D.A.R.E. program.

2.3.7 School Crossing Guards Office [81.3.5]  
Major functions:  
1) Direct children and other pedestrians at school crosswalks while maintaining safety procedures.

2.3.8 Persons Section  
Major function:  
1) Supervise and direct the Homicide Squad, Domestic Violence/Career Criminal Squad, Persons Crimes Squad, VISA Office, and Robbery Office.

2.3.9 Homicide Squad  
Major function:  
1) Investigate all cases where an unnatural death has occurred, except traffic homicides.

2.3.10 Domestic Violence/Career Criminal Squad  
Major functions:  
1) Provide crisis intervention and victim support.  
2) Provide victim assistance to members of the community who require referral and other types of assistance.  
3) Target select career criminals for apprehension and prosecution.

2.3.11 Persons Crime Squad  
Major functions:  
1) Investigate all crimes against persons except those that are assigned to other squads.  
2) Investigate arson cases.

2.3.12 VISA Office  
Major functions:  
1) This office includes the "Visual Identification System" and the "Ten Most Wanted Section".  
2) Positively identify subjects of criminal activity when no leads are apparent other than visual.  
3) Reduce the number of fugitives in our community by informing the citizens of our city of our "Ten Most Wanted" fugitives.

2.3.13 Robbery Office  
Major function:  
1) A reactive and proactive squad that targets street robberies and related offenses.

2.3.14 Property Section  
Major functions:  
1) Supervise and direct the Crime Scene Squad, the Auto Crimes Squad, the Property Crimes Squad and the Pawn Shop Office.

2.3.15 Crime Scene Squad [42.2.1] [83.1]  
Major functions:  
1) Utilize forensic and technical sciences to provide crime scene investigation services for the Police Department.  
2) Provide crime scene documentation by photography, video and drawings.  
3) Collect latent prints.  
4) Preserve and collect evidence.

- 5) Analyze, compare and form opinions regarding fingerprint evidence.

2.3.16 Auto Crimes Squad

Major functions:

- 1) Investigate crimes involving the theft and/or burglary of motor vehicles.

2.3.17 Property Crimes Squad

Major function:

- 1) Investigate crimes involving theft of property and vandalism.

2.3.18 Pawn Shop Office

Major function:

- 1) Reduce crime by providing an effective method of locating stolen property, identifying and arresting individuals dealing in these items.
- 2) Ensure that the pawn shops are properly documenting and reporting items in accordance of State Statutes and City Ordinances.

2.3.19 Strategic Investigations Unit (43.1)

The Strategic Investigations Unit operates under the direction of a Unit Commander holding the rank of Captain.

Major functions:

- 1) Initiate investigations into narcotics, illegal gambling, prostitution, illegal liquor, activist/terrorist, illegal weapons, gather, process and disseminate information concerning people and organizations that are, or are believed to be, involved in illegal activities.

2.3.20 Vice, Intelligence, Narcotics (VIN) Section

Major functions:

- 1) Supervise and direct the Organized Crime Squad, the Street Narcotics Squad, the Detached Duty Squad, and the Confiscations Office.
- 2) Supervise the High Intensity Drug Trafficking Area (HIDTA) Grant.

2.3.21 Organized Crime Squad

Major functions:

- 1) Investigate gambling, prostitution and all vice related crimes taking place within the City's jurisdiction.
- 2) Provide for the identification, collection and analysis of intelligence relating to organized crime and investigations of sensitive matters.

2.3.22 Street Narcotics Squads

Major functions:

- 1) Provide for the investigation and suppression of all illegal narcotics activities taking place within the city's jurisdiction.
- 2) Provide an undercover tactical unit.

2.3.23 Detached Duty Squad

Major functions:

- 1) Assign detectives to various task forces, including the Drug Enforcement Agency (DEA) multi-agency task force, South Florida Impact and High Intensity Drug Trafficking Area (HIDTA).
- 2) Provide long term narcotics, organized crime and money laundering investigations.

2.3.24 Confiscations Office [74.4.1]

Major functions:

- 1) Utilize the Federal "Comprehensive Crime Control Act of 1984" and the Florida Contraband Forfeiture Act to remove contraband and crime related property from the community and discourage criminal activity by depriving criminals of proceeds.
- 2) Produce substantial revenue for the Police Department.

2.4 Technical Services Division

The Technical Services Division operates under the direction of a Division Commander holding the rank of Major and is comprised of the following Units:

2.4.1 Information Resources Unit

The Information Resource Unit operates under the direction of a Unit Commander holding the rank of Captain.

Major functions:

- 1) Ensuring compatibility between technology and departmental goals and objectives.
- 2) Overseeing expenditures associated with the acquisition, operation, and maintenance of automated systems.
- 3) Recommending policy guidelines for future planning in the area of automation.
- 4) Establishing departmental priorities in the field of automated systems in conjunction with the annual budget and the Department's Multiyear Plan.
- 5) Ensuring compatibility of equipment and coordination of automated systems.

2.4.2 Information Systems Management Section

Major function:

- 1) Implement and manage the Computer Aided Dispatch (CAD) System and the Records Management System (RMS).
- 2) Provide technical support with the City of Miami Beach Radio System and equipment.
- 3) Act as liaison between PSCU and Patrol on 911 Communication issues.
- 4) Locate, demonstrate and evaluate new communication equipment and technology.

2.4.3 Crime Analysis Section [15.1]

Major functions:

- 1) Collect and analyze data on criminal offenses and provide intelligence reports for strategic responses.

2.4.4 Records Management Section [82.1]

The Records Management Section operates under the direction of a Unit Commander holding the position of Manager.

2.4.5 False Alarm Office

Major functions:

- 1) Register all alarm users

- 2) Maintain false alarms records and billing
- 2.4.6      Validations Office
  - Major functions:
    - 1) Complete the monthly validation package received from FCIC/NCIC.
- 2.4.7      Records Office
  - Major functions:
    - 1) Supervise and direct the Data Entry Staff and the Customer Service Staff.
    - 2) Manage the Department's delivery of records services.
- 2.4.8      Data Entry Staff
  - Major function:
    - 1) Receive, enter, maintain and store the Police Department's records and files daily.
- 2.4.9      Customer Service Staff
  - Major functions:
    - 1) Provide the public access to routine public records, police history reports and fingerprinting.
    - 2) Provide the Police Department records.
- 2.4.10     Public Safety Communications Unit [§1.1]
  - The Public Safety Communications Unit operates under the direction of a Unit Commander holding the rank of Captain.
- 2.4.11     Public Safety Communications Shifts
  - Major functions:
    - 1) Receive incoming requests for police and fire service.
    - 2) Maintain state certification and validation for NCIC/FCIC computers per Florida Department of Law Enforcement (FDLE) requirements.
    - 3) Dispatch calls for police and fire service.
    - 4) Summon support services such as fire, rescue, ambulances, tow trucks, etc.
    - 5) Utilize telecommunications to include want and warrant checks, drivers' license checks, vehicle registration checks, and interagency communications.
    - 6) Monitor the alarm board.
    - 7) Receive and forward all visitor and telephone calls within the building.
    - 8) Monitor intercity frequencies and local government frequency.
    - 9) Log and maintain records of all above listed functions.
    - 10) Monitor status of police officers to maximize officer safety.
- 2.4.12     Recording Service Section
  - Major functions:
    - 1) Processes and maintains master tapes used to record telephone and radio transmissions within PSCB.
    - 2) Provides sworn depositions and makes court appearances based on expert knowledge and understanding of 911 policies and procedures.
    - 3) Processes and maintains statistical data pertaining to telephone and radio transmissions.
    - 4) Researches, duplicates, and coordinates various audio tape requests received by the Communications Division from law enforcement, judicial government services, and public records requests pursuant to the applicable state guidelines.

2.4.13 Professional Standards Unit  
The Professional Standards Unit operates under the direction of a Unit Commander holding the position of Manager. The Unit is comprised of the Staff Inspection Section, the Accreditation Management Section, and the Planning & Research Section.

2.4.14 Staff Inspection Section  
Major functions:  
1) Conduct Staff Inspections. [53.2.1]  
2) Conduct audits and reviews.

2.4.15 Accreditation Management Section  
Major functions:  
1) Develop and maintain accreditation standards, reports, and files.  
2) Act as a resource for future changes in policies/procedures to insure compliance after accreditation.

2.4.16 Planning & Research Section [11.6.1]  
Major functions:  
1) Responsible for the evaluation, research, and development of administrative and operational procedures, policy guidelines, and liaison with other criminal justice planning agencies.  
2) Review and prepare law enforcement surveys.

**2.5 Support Services Division**  
The Support Services Division operates under the direction of a Division Commander holding the rank of Major and is comprised of the following units:

2.5.1 Personnel Resources Unit  
The Personnel Resources Unit operates under the direction of a Unit Commander holding the rank of Police Commander.  
Major functions:  
1) Provide staff, training and specialized services to the other divisions within the Police Department and the City.

2.5.2 Background Section [32.2.1]  
Major functions:  
1) Coordinate the hiring process for new applicants with the City's Human Resources Department.  
2) Perform background investigations of all employees who are considered for employment, either full-time, part-time or volunteer.  
3) Prepare individual files for each applicant for review.  
4) Conduct and coordinate recruitment efforts.

2.5.3 Training Section [33.1]  
Major functions:  
1) Research, develop, and administer in-service training.  
2) Maintain mandatory retraining and in-service training records.  
3) Training of new recruits.  
4) Liaison with all police academies.  
5) Administer the career development program.  
6) Administer the Intern Program.

2.5.4 Range and Firearms Office [1.3.11] [16.3.6]  
Major functions:  
1) Provide for the firearms qualification and training of all sworn employees.  
2) Manage and maintain the firearms training facility.  
3) Repair and maintenance of firearms and related equipment under their authority.

2.5.5 Property Management Unit [84.1]  
The Property Management Unit operates under the direction of a Unit Commander holding the rank of Captain.

2.5.6 Property and Evidence Section  
Major functions:  
1) Supervise and direct the Property and Evidence Office, Fleet Management Office, Vehicle Research Office and the Quartermaster Office.

2.5.7 Property and Evidence Office  
Major functions:  
1) Store, maintain, record, and control all property and evidence obtained through the performance of the police function.  
2) Attempt to locate and notify owners of property.  
3) Dispose of property per statutes and court orders.

2.5.8 Fleet Management Office  
Major functions:  
1) Track the use and maintenance of all city owned marked and unmarked police vehicles.  
2) Coordinate the purchase of all Department vehicles in conjunction with Fleet Management Division of the City General Services Administration.

2.5.9 Vehicle Research Office [61.4.3]  
Major functions:  
1) Facilitate a cooperative effort between the Department, towing firms and citizens who have had their vehicles towed.  
2) Ensure that all towed and impounded vehicles are properly accounted for and handled in conformance with applicable laws and ordinances.

2.5.10 Quartermaster Office [22.2.8] [17.6.1]  
Major functions:  
1) Maintain inventory and supplies for the Department.  
2) Issue and track all uniforms and equipment.

2.5.11 Business Resources Unit  
The Business Resources Unit operates under the direction of a Unit Commander holding the rank of Captain. All departmental grants are written and managed by this Unit.

2.5.12 Payroll Section  
Major functions:  
1) Monitor, process and audit all payroll data related to the monetary and leave earnings of each employee assigned to the Police Department.  
2) Insure the Department's compliance in the areas of contractual obligations, City Rules and Regulations, and the Departmental Guidelines pertaining to payroll.

2.5.13 Off-Duty Section [22.3.3]

Major functions:

- 1) Coordinate, direct, plan and supervise all off-duty police services.
- 2) Receive, evaluate and screen all requests for off-duty police services before assigning qualified employees an off-duty job.
- 3) Maintain all records and facilitate payments of fees imposed by the City.
- 4) Liaison with the City's Special Event Office and other city departments.

2.6.14 Court Liaison Section [74.1]

Major functions:

- 1) Assure attendance by Police Department employees at all judicial proceedings arising from the law enforcement efforts of the Department.
- 2) Represent the Police Department to the State Attorney's Office, Public Defender's Office, Judges, Clerk's Office and any other organization involved in the criminal justice system, as related to court appearances and employee conduct.
- 3) Responsible for all incoming subpoenas and entering them into a computerized tracking system, and delivering them to the appropriate officer.
- 4) Provide notification of all assignment and schedule changes to the Clerk of the Court's Office, Miami-Dade County computer system enabling appearances to be coordinated with each officer's on-duty schedule wherever possible.
- 5) Approve court overtime and ensure that departmental guidelines are adhered to.

2.6 Descending Order of Authority [12.1.2]

In the event of the sudden unexpected absence of the Chief of Police, the most senior ranking officer will assume the duties of the Chief of Police until relieved by a higher authority. Command authority automatically succeeds in the following order, unless otherwise directed:

- a. Assistant Chief of Police
- b. Senior Major
- c. Senior Captain
- d. Senior Police Commander
- e. Senior Lieutenant
- f. Senior Sergeant
- g. Senior Officer

All other absences will be preceded by a memorandum which will appoint a temporary replacement for the expected time of the Chief of Police's absence. The appointed employee shall assume all duties and responsibilities afforded the Chief of Police and carry out and enforce all policies, and procedures, rules and regulations. [12.1.2a] [12.1.2b] [12.1.2d]

2.7 Chief of Police

The Chief of Police is the Chief Administrative Officer of the Department and the final Departmental authority on all matters of policy, operations and discipline. The Chief of Police is responsible for the planning, directing, coordinating, controlling, and staffing of all activities of the Department for its continued and efficient operation; for the enforcement of Rules & Regulations within the Department; for the Department's relationship with the citizens, the city government, and other agencies for providing and defining the Mission of the Department; and for the successful accomplishment of that mission. [12.1.1]

2.8 Assistant Chief of Police

It shall be the duty of the Assistant Chief of Police to see that the orders and policies of the Chief of Police are carried out and, during the absence of the Chief of Police, perform all the duties regularly the responsibility of the Chief of Police. [12.2.1]

2.9

## Commanding Officers [26.1.5]

Commanding officers consist of Majors, Captains, Police Commanders, Lieutenants, Sergeants, Managers, and Supervisors who are in charge of Divisions, Districts, Units, Sections, Shifts, Staffs, and Squads. Commanding officers have direct supervision and control, subject to the orders of the Chief of Police, over all officers and other employees of the Department assigned to their command. They are responsible for their efficiency and effectiveness and shall coordinate the functions and activities of the various units of their command. They shall promote harmony among the employees of their command. They are responsible for the cooperation of their command with all other divisions of the Department. They shall act in cases not regularly assigned to their command when the delay necessary to inform the proper unit might result in a failure of the Department to perform a police duty.

2.9.1

Commanding officers are also responsible for:

2.9.1.1

Ensuring that each employee of their command has a current copy of the Department Manual containing all amendments, changes, and corrections thereto and shall see that each employee of their command is properly instructed in their duties and performs such duties in the manner prescribed by the Department Manual. [26.1.1]

2.9.1.2

Preparing, transmitting, filing, using, and preserving official records, reports, returns, forms, affidavits, warrants, subpoenas, and other papers of legal process, as well as correspondence originating in, or forwarded to, their command.

2.9.1.3

Clearly understanding the Mission of the Department as outlined by the Chief of Police and coordinate activities under their respective commands consistent with this Mission. [11.5.1]

2.9.1.4

Inspection of all buildings and offices within their command, and the furnishings and equipment thereof, with a view toward preserving the good order, repair, safety, and sanitation of same.

2.9.1.5

The proper care, economical use, efficiency and service ability of the equipment assigned for their use and the use of the employees of their command.

2.9.1.6

Observance and enforcement of all Department Rules and Regulations, SOPs, City Personnel Rules, City Work Rules, General Orders, Fraternal Order of Police Contract, General Employees Contract, Government Supervisors Association of Florida, and the Communications Workers of America Contract.

2.9.2

Commanding officers shall be responsible for the preservation of the health, welfare, and safety of any person in the custody of, in the care of, or detained by, any employee of the respective commands of such commanding officers, and shall also be responsible for the preservation and safeguarding of all property of such persons.

2.9.2.1

Commanding officers shall not allow violence to be used in the questioning or management of any person in the custody of, or in the care of, or who is detained by, any employee under their command except when force is reasonable and necessary in the maintaining of custody and control. [1.3.1]

2.9.2.2

Any incident detrimental to the health, welfare and safety of such persons while in the custody, or in the care of, or who is under detention by an employee of their command shall immediately be reported by such commanding officer to the Chief of Police via a "Special Incident Notification".

2.9.2.3

Commanding officers shall take all precautions to insure the safety of persons in an intoxicated condition. When any prisoner is in need of medical attention, or there is doubt as to the physical or mental condition of a prisoner, the commanding officer shall insure or shall immediately procure medical assistance, and shall be guided by the recommendations of the authorized medical professional. In emergency cases, such commanding officer shall

immediately order the prisoner sent to a hospital. Commanding officers shall make an immediate, accurate, and complete written "Special Incident Notification" to the Chief of Police of death, or injury to, or loss of property of any prisoner in the custody or care of, or detained by any employee under their command.

2.9.3 Commanding officers shall be responsible for supervision of roll-calls for employees during their hours of duty, and shall be responsible for inspection of the employees of their commands, and for determining the fitness for duty of same; the communication of all information and orders; the giving of requested instructions and advice, notation and reporting of illnesses, absentees, and tardiness; notation and reporting of any want of cleanliness or neatness in person or in uniform and the correction of any negligence in attire, and the inspection of all equipment, including arms and ammunition, to determine if the same is in good working order. The responsibilities herein outlined may be delegated, but such delegation shall not relieve such commanding officers of the responsibility for the neglect of duty or inefficiency of the employees to whom such responsibilities are delegated. [26.1.5] [53.1.1] [11.3.2]

2.9.4 Commanding officers shall be responsible for the accuracy, preservation and safekeeping of all records of their command during their hours of duty, and shall not authorize their removal, except on police business, or under due process of law, nor shall they allow any alterations of such records, except for the purpose of correcting a clerical misprint or other error, and where such alteration is made, such commanding officers shall give the reasons therefore. [82.2.4]

2.9.5 Commanding officers shall, without specific instructions, establish the required details and assignments necessary to carry out the functions of the Department and of their command in particular. They shall be guided in their assignment of employees by the number of employees available to them for assignment and the necessity for assigning their subordinates where they will be most useful and efficient. [16.1.2]

2.9.6 During the temporary absence of a commanding officer, when no other provision is made by the Chief of Police, command automatically devolves upon the subordinate present next in seniority to such commanding officer. [11.3.1]

Seniority shall be determined, first by rank, second by continuous service in the rank, then by length of service time in the Department.

2.9.7 The relative rank of line officers of the Department for the purposes of determining responsibilities of command only, shall be numerically designated as follows:

1) Chief of Police	4) Captain	7) Sergeant
2) Assistant Chief of Police	5) Police Commander	8) Police Officer
3) Major	6) Lieutenant	

2.9.8 Whenever commanding officers, in the necessary performance of their duties, give orders to any subordinate employee not attached to their command, such commanding officer must exercise great care that such orders do not conflict with those of the commanding officer of the said subordinate employee. However, commanding officers are responsible for taking appropriate action where there is a serious breach of discipline, improper conduct by an employee in a period of emergency or when supervisory action is necessary and lacking. That Commanding officer shall advise the employee's direct supervisor of his actions as soon as possible. [12.1.3] [26.1.5]

2.9.9 Commanding officers are authorized to place an employee temporarily in the position of an employee of higher rank.

2.9.10 Commanding officers shall not countermand an order issued by a superior officer without sufficient reason.

2.9.11 Commanding officers shall exercise their authority over their subordinates with kindness, firmness, and justice and shall require each subordinate to perform their own duty.

2.9.12 Commanding officers shall exercise their authority without bias or prejudice and shall not, under any circumstances, or in any manner, obligate himself to any person of a lesser rank.

2.9.13 Commanding officers are not only responsible for their own conduct and performance of police duties, but that of their subordinates as well. They shall set an example to all subordinates in energy, sobriety, courtesy, dignity, courage, truthfulness, skill, discipline and careful painstaking attention to duty. They shall at all times appear neatly attired and clean in person and equipment.

2.9.14 Commanding officers should report any emergency, serious crime, or unusual occurrence to their immediate superior. They shall make copies of all serious or unusual incidents reported during their hours of duty and forward them to the office of the Chief of Police via a Special Incident Notification. Examples of serious incidents are: homicide, rape, traffic homicide, armed robbery, home invasion, any crime involving the use of weapons or resulting in personal injury, and any other incident deemed of importance. They shall notify the Chief of Police, or his designee, personally and as soon as possible in the event of a homicide, rape, shooting, or serious injury involving any employee of their command.

2.9.15 Commanding officers shall personally respond to any emergency or occurrence of a serious or unusual nature which arises, unless their presence at the station would be of more value under the circumstances, in which case, they shall assign a competent supervisor to take command at the scene of the emergency. They shall also, whenever possible, respond to calls where employees of their command are involved in controversy or accident.

2.9.16 Commanding officers shall be responsible for the prompt service of all official notices, summons, or subpoenas which may be sent to them by proper authority.

2.9.17 Commanding officers shall maintain a pleasant, courteous, and dignified attitude and shall recognize every caller's presence without unnecessary delay. They shall accord respect, courtesy, sincerity, and patient attention to every citizen calling at the police station. Under no circumstances shall they belittle a seemingly trivial request, complaint, or piece of information.

2.9.18 Commanding officers shall, upon going on duty, thoroughly familiarize themselves with all police business that has been transacted since their last tour of duty and which may affect them or their command in any way. Ignorance of such police business shall be no excuse for the improper performance of any of their duties.

2.9.19 Commanding officers shall be guided by Chapter 119, Florida Statute in handling requests for inspection or release of public records. [§2.1.1]

2.9.20 In the event of the death, resignation, suspension, or dismissal of any employee of the Department, the commanding officer to whose command the employee was last assigned shall ensure that any Department-issued property in his/her possession has been returned to the Property Management Unit per SOP #077. [17.5]

2.9.21 Commanding officers shall be responsible for the punctual attendance of all employees within their command and shall be responsible for each employee's attendance, overtime, court time, vacations, sick leaves, leaves of absence, and suspension records as required by the City.

2.9.22 Commanding officers shall maintain strict and constant scrutiny of all employees of their commands with a view to ascertaining their efficiency and fitness for service. They shall prepare performance evaluations for each of the officers of their command at such intervals and upon such forms as may be required by the City. [26.1.5]

2.9.23 Commanding officers are responsible for the efficiency, discipline and morale of all employees of their command. They shall investigate, or cause to be investigated, all complaints by citizens and reports by employees of the Department of misconduct, incompetency, neglect of duty, or any violations of the Department Rules and Regulations, SOPs, and General Orders on the part of anyone under their command, and they shall submit an "Allegation of Employee Misconduct Form". They shall also report any incompetent employee who may be assigned to their command. The report shall include recommendations as to the action to be taken. Commanding officers shall be strictly charged with the responsibility of maintaining discipline, without laxity or discrimination, among employees of their command. Repeated leniency toward employees in their command shall be deemed neglect of duty on the part of such Commanding officers. [26.1.5] [52.1.4] [52.1.1]

2.9.24 A commanding officer who initiates any disciplinary action against a subordinate has the responsibility of forwarding a complete written record of the case to the disciplined employee, with a copy to the Internal Affairs Unit, and a copy to the Personnel Resources Unit for entry into the employee's personnel file. [26.1.4] [52.1.1]

2.9.25 Commanding officers shall submit a detailed report to the Chief of Police any time a large scale event occurs. Examples of large scale events are civil disturbances or any event which requires a major call-out of Department employees. This report shall be submitted in a Special Incident Notification and shall include a summary of the preparation needed, manpower used, problems encountered, number of arrests made, and any other information deemed of importance.

2.9.26 Commanding officers shall be governed by the Department Rules and Regulations, SOPs, and General Orders set forth for Commanding officers and the orders of the Department.

2.9.27 Commanding officers shall communicate and explain all orders and provide all necessary information to their subordinates. They shall issue clear, concise, and definite orders to their subordinates. Vague, ambiguous, ill defined orders and commands that cannot be executed are confusing to subordinates and prejudicial to the efficiency, good order, and morale of the Department. They are responsible for the proper execution of their orders.

2.9.28 Commanding officers shall not perform the duties regularly assigned to a subordinate when the subordinate is available to perform them, but shall require each subordinate officer to perform their own duties.

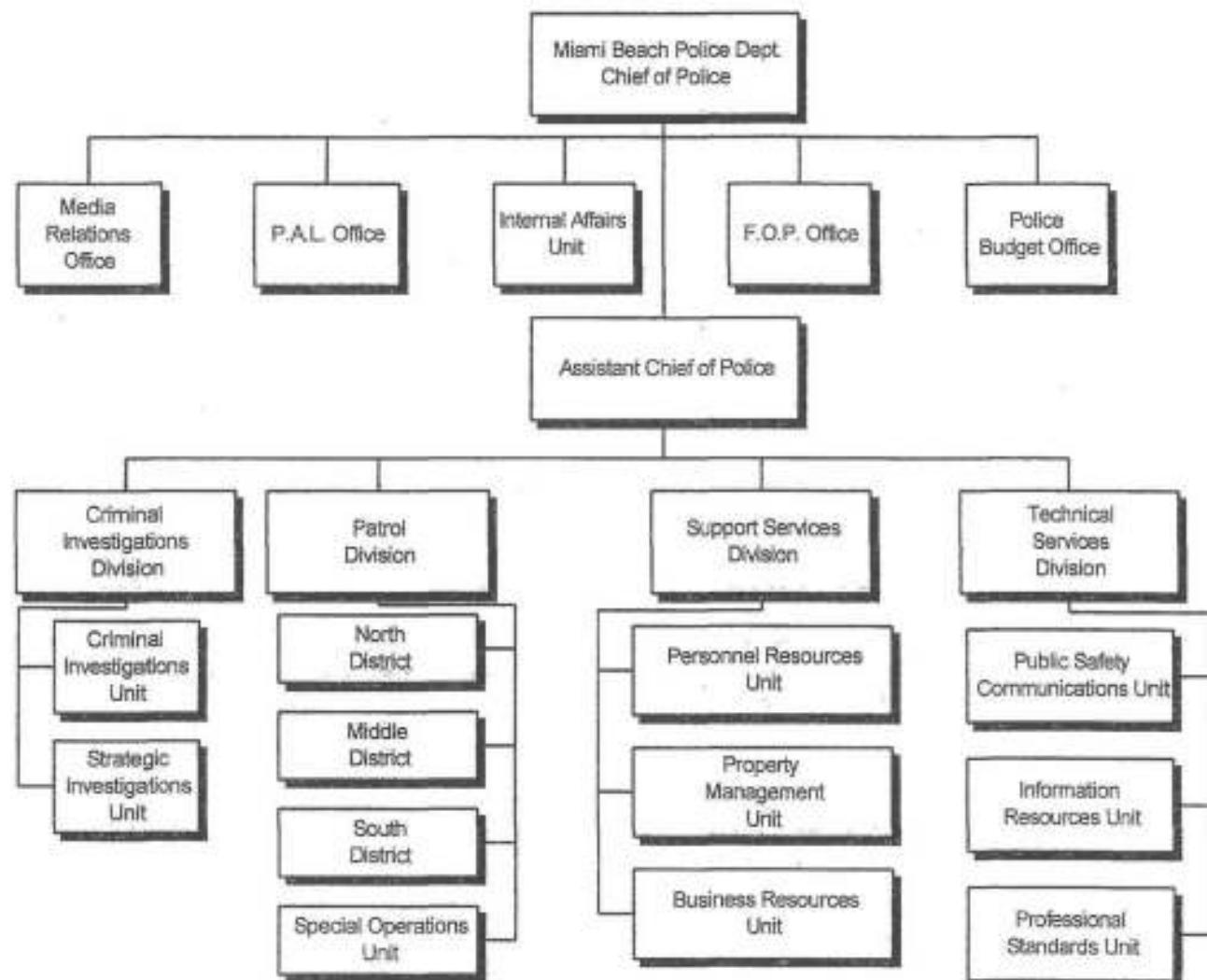
2.9.29 Commanding officers shall see that their subordinates make all required reports promptly, accurately, and completely, and on the proper forms.

2.9.30 Commanding officers are required to forward through channels all written communications received from their subordinates requesting a transfer or containing a grievance or suggestion.

2.9.31 Commanding officers who observe or are informed of a willful neglect of duty or misconduct by an employee not assigned to their command shall immediately investigate the matter to determine the facts and make a written report on an "Allegation of Employee Misconduct Form". [26.1.5] [52.1.1]

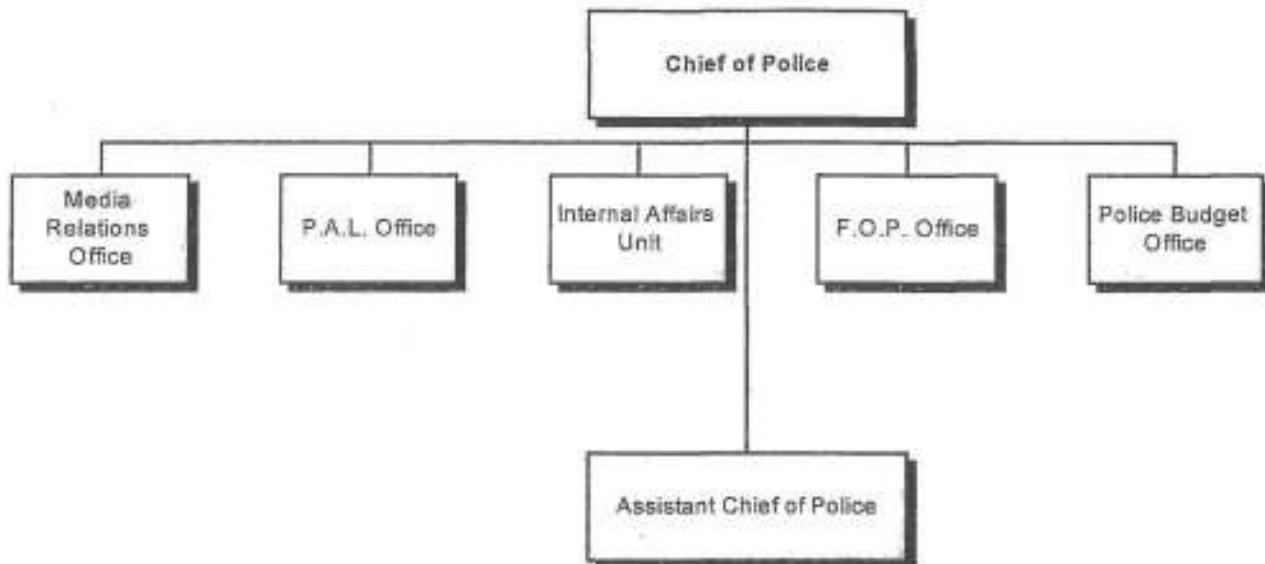
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Organizational Chart - Miami Beach Police Department [11.1.2]



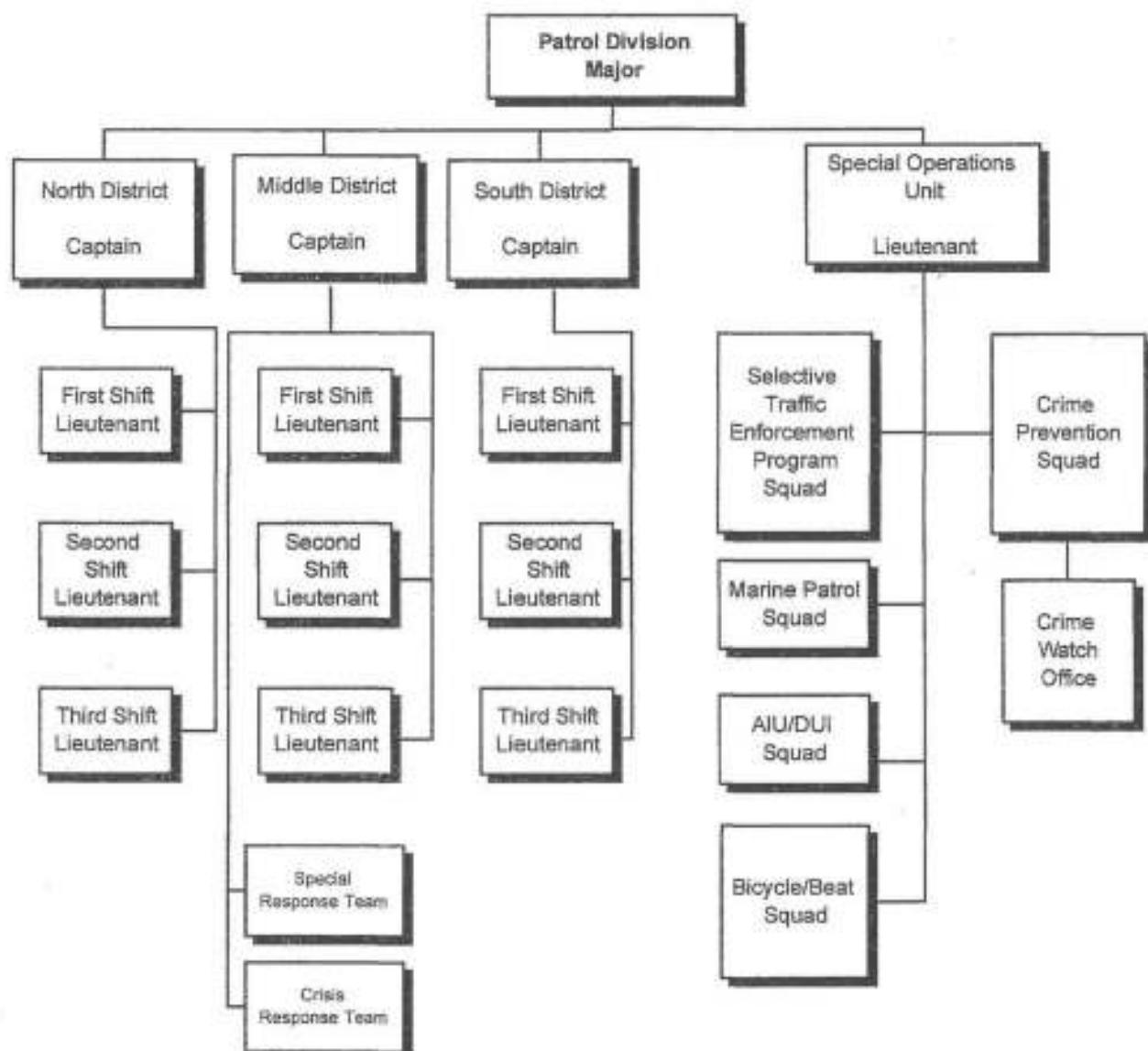
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Organizational Chart - Office of the Chief of Police [11.1.2]



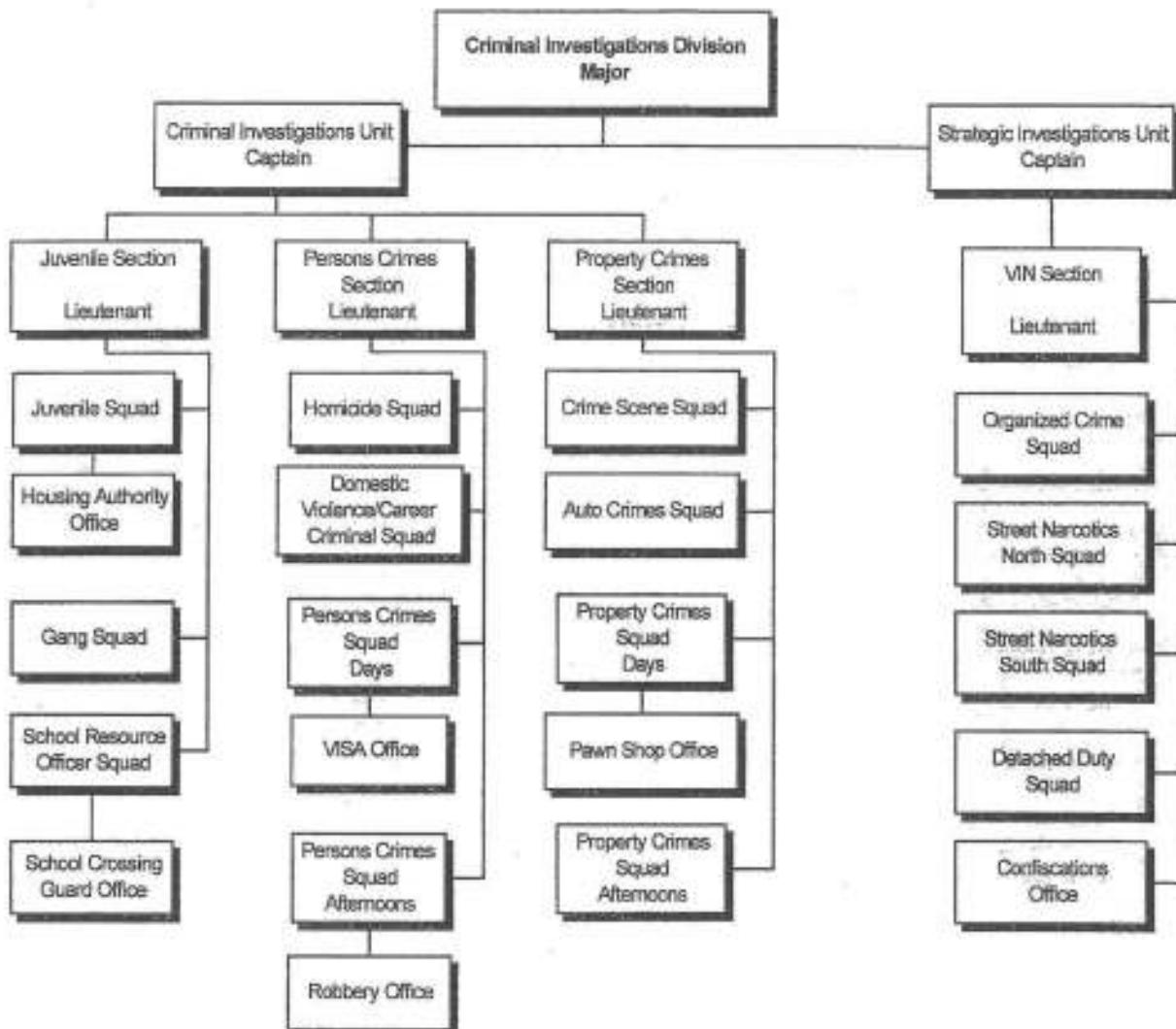
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Organizational Chart - Patrol Division [11.1.2]



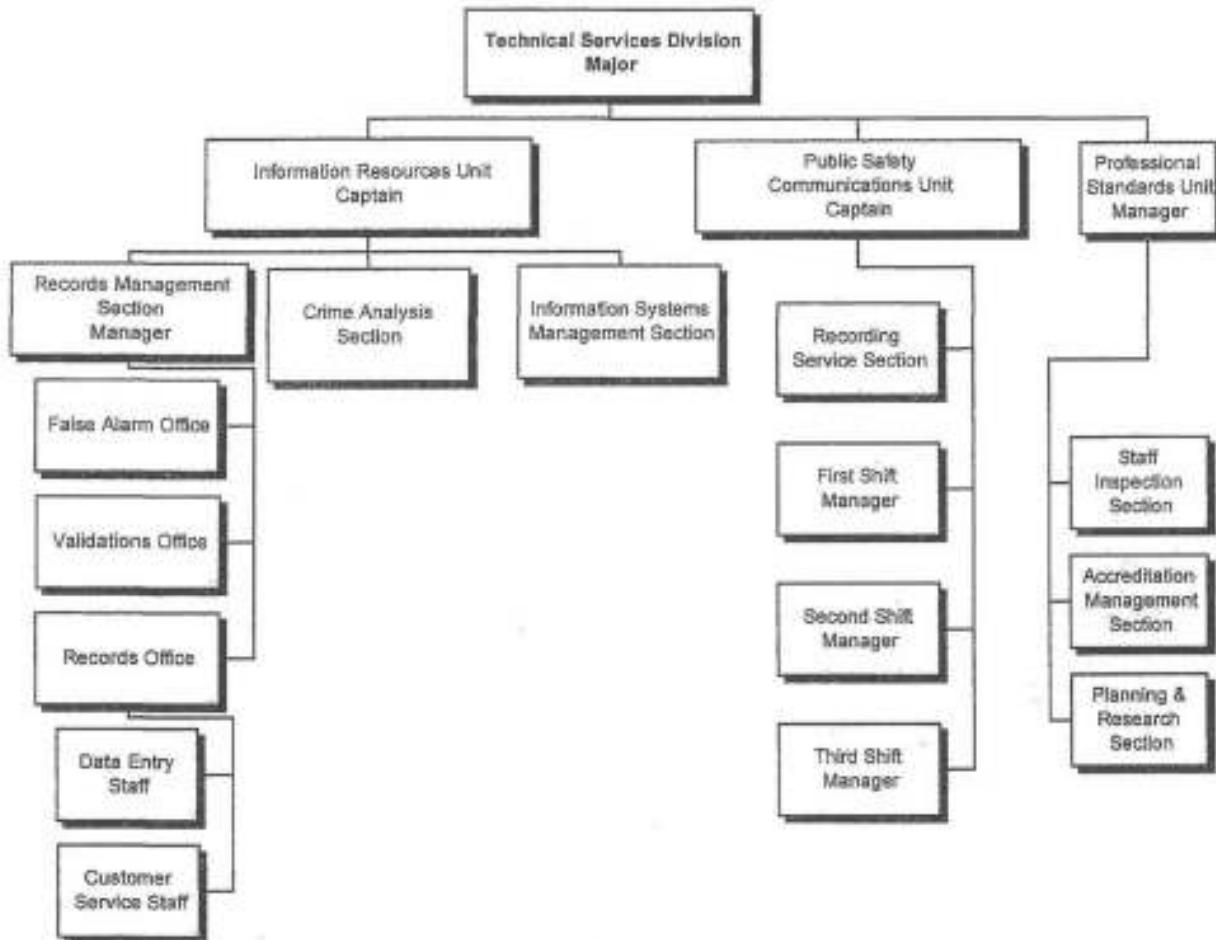
2.13

## Organizational Chart - Criminal Investigations Division [11.1.2]

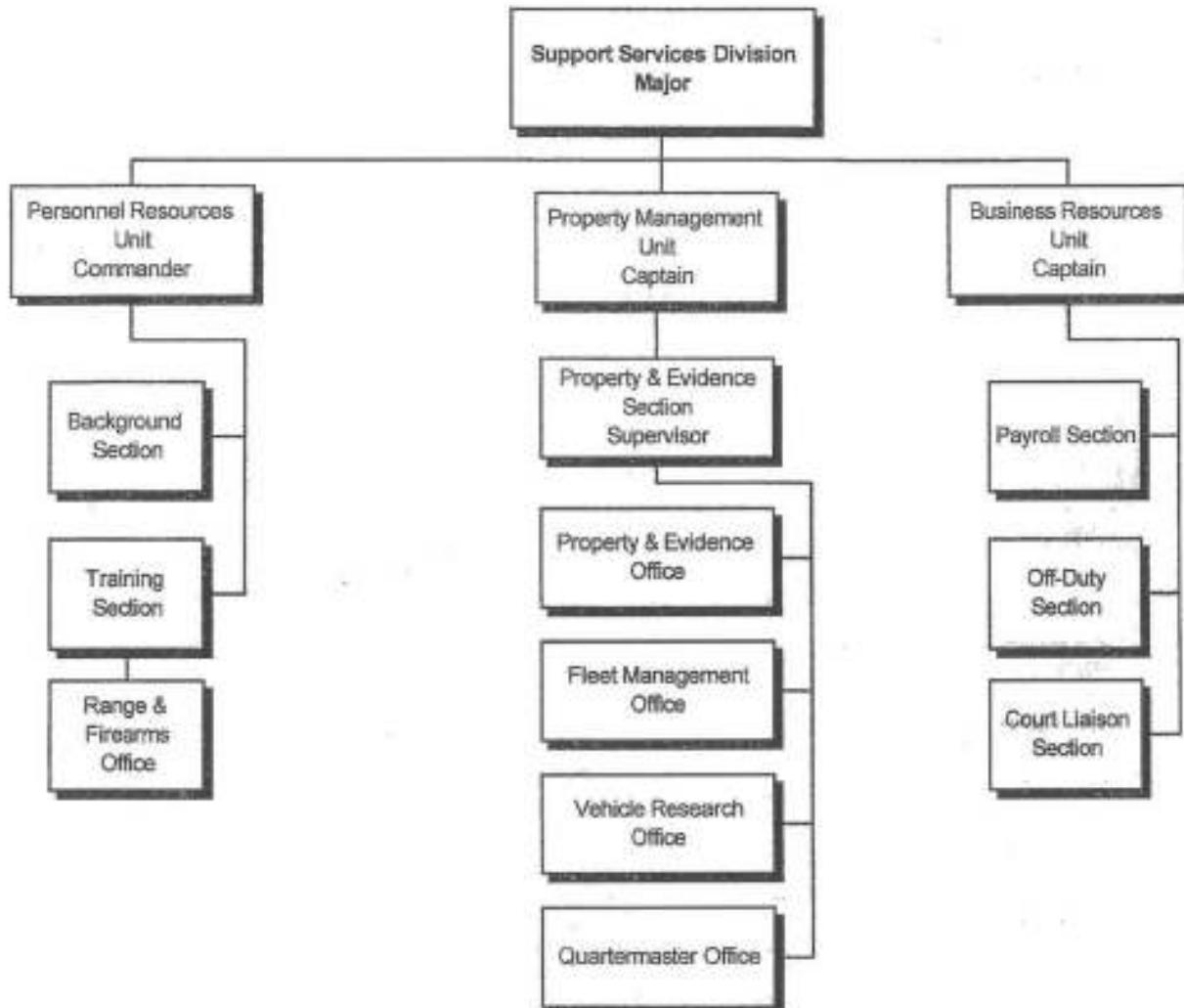


2.14

Organizational Chart - Technical Services Division [t1.1.2]



2.15 Organizational Chart - Support Services Division [11.1.2]



## 2.16 Organizational Components

2.16.1 Each component of the Department will be named based on the rank of the commander it reports to.

## 2.16.2 Components

Component	Commanded By	Reports To
Division	Major	Assistant Chief
District	Captain	Major
Unit	Captain, Police Commander, Lieutenant, Manager	Major
Section/Shift	Lieutenant, Sergeant, Non-sworn Police Supervisor, Sworn Employee, Manager, Officer	Captain, Police Commander, Manager
Squad	Sergeant, Non-Sworn Supervisor	Lieutenant
Office	Employee	Manager, Lieutenant, Sergeant, Non-Sworn Supervisor
Staff	Employee	Supervisor
<b>Exceptions:</b>		
Police Budget Office	Non-Sworn Supervisor	Chief
Media Relations Office	Employee	Chief
PAL Office	Sworn Employee	Chief
FOP Office	Sworn Employee	Chief
Internal Affairs Unit	Captain	Chief

## 2.16.3 Component Ranking

1. Division
2. District/Unit
3. Section/Shift
4. Squad
5. Office
6. Staff

Component	Commanded By	Reports To
<b>Division</b>		
Criminal Investigations Division	Major	Assistant Chief
Patrol Division	Major	Assistant Chief

Component	Commanded By	Reports To
Support Services Division	Major	Assistant Chief
Technical Services Division	Major	Assistant Chief

**District**

Middle District	Captain	Major
North District	Captain	Major
South District	Captain	Major

**Unit**

Business Resources Unit	Captain	Major
Criminal Investigations Unit	Captain	Major
Information Resources Unit	Captain	Major
Internal Affairs Unit*	Captain	Chief
Personnel Resources Unit	Commander	Major
Professional Standards Unit	Manager	Major
Property Management Unit	Captain	Major
Public Safety Communications Unit	Captain	Major
Special Operations Unit	Lieutenant	Major
Strategic Investigations Unit	Captain	Major

**Section**

Accreditation Management Section	Officer	Manager
Backgrounds Section	Sergeant	Commander
Court Liaison Section	Sergeant	Captain
Crime Analysis Section	Analyst	Captain
Information Resources Management Section	Information Tech III	Captain
Juvenile Section	Lieutenant	Captain
Off-Duty Section	Sergeant	Captain
Payroll Section	Supervisor	Captain
Persons Crimes Section	Lieutenant	Captain
Planning & Research Section		Manager
Property Crimes Section	Lieutenant	Captain
Property & Evidence Section	Supervisor	Captain
Records Management Section	Manager	Captain

Component	Commanded By	Reports To
Recording Service Section		Captain
Staff Inspection Section	Sergeant	Manager
Training Section	Sergeant	Commander
VIN Section	Lieutenant	Captain

**Shift**

First Shift (PSCU)	Manager	Captain
Second Shift (PSCU)	Manager	Captain
Third Shift (PSCU)	Manager	Captain

**Squad**

AIU/DUI Squad	Sergeant	Lieutenant
Auto Crimes Squad	Sergeant	Lieutenant
Bicycle/Beat Squad	Sergeant	Lieutenant
Crime Prevention Squad	Sergeant	Lieutenant
Crime Scene Squad	Supervisor	Lieutenant
Detached Duty Squad	Sergeant	Lieutenant
Domestic Violence/Career Criminal Squad	Sergeant	Lieutenant
Gang Squad	Sergeant	Lieutenant
Homicide Squad	Sergeant	Lieutenant
Juvenile Squad	Sergeant	Lieutenant
Marine Patrol Squad	Sergeant	Lieutenant
Organized Crime Squad	Sergeant	Lieutenant
Person Crimes Squad	Sergeant	Lieutenant
Property Crimes Squad	Sergeant	Lieutenant
School Resource Officer Squad	Sergeant	Lieutenant
Selective Traffic Enforcement Program Squad	Sergeant	Lieutenant
Street Narcotics Squad	Sergeant	Lieutenant

**Office**

Confiscations Office	Officer	Sergeant
Crime Watch Office	Coordinator	Sergeant
False Alarm Office	Administrative Aide II	Manager

Component	Commanded By	Reports To
Fleet Management Office	Fleet Specialist	Supervisor
Fraternal Order of Police President's Office*	Officer	Chief
Housing Authority Office	Officer	Sergeant
Media Relations Office*	Officer	Chief
Quartermaster Office	Technician I	Supervisor
Police Athletic League*	Officer	Chief
Pawn Shop Office	Officer	Sergeant
Police Budget Office*	Financial Assistant	Chief
Property and Evidence Office	Technician II	Supervisor
Range & Firearms Office	Firearms Specialist	Sergeant
Records Office	Supervisor	Manager
Robbery Office	Officer	Sergeant
School Crossing Guard Office	PSS	Sergeant
Validations Office	Complaint Operator II	Manager
Vehicle Research Office	Technician I	Supervisor
VISA Office	Administrative Aide II	Sergeant

Staff

Customer Service Staff	Records Technician	Supervisor
Data Entry Staff	Data Entry Clerk	Supervisor

\* Exceptions

#### PART D: RULES OF PROFESSIONAL CONDUCT

##### Chapter 3 EMPLOYEES

3.1 Span of Control and Authority:

3.1.1 Each Miami Beach Police Department (MBPD) employee is accountable to only one supervisor at any given time. [11.2.1]

3.1.2 Only one supervisor shall be designated as the commander of any one Division, District, Unit, Section, Shift, Squad, or Office and shall be accountable for the effective direction, coordination, and control of that organizational component. [11.3.2] [11.2.2]

3.1.3 Supervisors shall be accountable for the performance of employees under their immediate supervision.

3.1.4 Employees shall report to, and be responsible to, their supervisor and follow the chain of command thereafter. Employees may report to a sworn or non-sworn supervisor. This insures that each employee is responsible to only one supervisor at any given time. [11.2.1]

3.1.5 The number of immediate subordinates of each supervisor is limited to 12 under normal day-to-day operations. There will be instances, dictated by circumstance, when this policy may be modified. Division commanders shall be responsible for reviewing the span of control of all supervisors under their command to assure efficiency is maintained. Division commanders should consider: [16.1.2]

- The extent to which supervisors must carry out non-managerial tasks.
- Demands on supervisors' time from Department sources outside the unit.
- The specialty of tasks performed by the unit.

3.1.6 Shift Commanders will authorize additional supervisory personnel, on an overtime basis, if necessary, when the span of control exceeds a 12 to 1 ratio. Example: If there is only one (1) Patrol Sergeant on duty on a particular shift and two (2) Patrol Lieutenants are working, shift commanders will designate the alternate Lieutenant or assign a Patrol Officer (Acting Sergeant) to the first-line supervisory function.

3.1.7 In order to carry out its functions, the Police Department is divided into several organizational components delineating the span of control and the ranks of the members of the chain of command within the Department, as per the Table of Organization. The Police Department shall be divided into the Office of the Chief of Police and the various Divisions as approved, the head of which shall report directly to the Assistant Chief of Police.

3.1.7.1 The chain of command shall be preserved in order to maintain principles of good administration and shall not be by-passed except under emergency conditions or unusual situations.

3.1.8 In order to achieve effective direction and coordination, the span of control of the Chief of Police is:

Assistant Chief of Police  
Sergeant

Internal Affairs Unit  
Captain/Police Commander  
Sergeant  
Clerk Typist

Media Relations Office  
Police Officer

F.O.P. President's Office  
Any sworn Officer elected to this office

Police Athletic League Office  
Any sworn Officer appointed to this office

Police Budget Office  
Police Financial Assistant  
Account Clerk

Staff  
Office Associate V  
Administrative Aide I

3.1.9 The span of control for the Patrol Division Commander is:

Sergeant  
Clerk Typist

South District Commander  
Captain

First Shift  
Lieutenant  
Sergeant  
Police Officer  
Detention Officer  
Public Safety Specialist

Second Shift  
Lieutenant  
Sergeant  
Police Officer  
Detention Officer  
Public Safety Specialist

Third Shift  
Lieutenant  
Sergeant  
Police Officer  
Detention Officer  
Public Safety Specialist

Middle District Commander  
Captain  
First Shift  
Lieutenant  
Sergeant  
Police Officer  
Second Shift  
Lieutenant  
Sergeant  
Police Officer  
Third Shift  
Lieutenant  
Sergeant  
Police Officer

North District Commander  
Captain  
First Shift  
Lieutenant  
Sergeant  
Police Officer  
Public Safety Specialist  
Second Shift  
Lieutenant  
Sergeant  
Police Officer  
Public Safety Specialist  
Third Shift  
Lieutenant  
Sergeant  
Police Officer

Special Operations Unit  
Lieutenant  
Selective Traffic Enforcement Program Squad  
Sergeant  
Police Officer  
Marine Patrol Squad  
Sergeant  
Police Officer  
AIU/DUI Squad  
Sergeant  
Police Officer  
Crime Prevention Squad  
Sergeant  
Police Officer  
Crime Watch Office  
Crime Watch Coordinator  
Bicycle/Beat Squad  
Sergeant  
Police Officer

3.1.10 The span of control for the Criminal Investigations Division Commander is:

Criminal Investigations Unit

Captain

Administrative Aide II

Clerk Typist

Juvenile Section - Lieutenant

Juvenile Squad

Sergeant

Police Officer

Housing Authority Office

Police Officer

Gang Squad

Sergeant

Police Officer

School Resource Officer Squad

Sergeant

Police Officer

School Crossing Guards Office

Public Safety Specialists

School Guard

Persons Crimes Section - Lieutenant

Homicide Squad

Sergeant

Police Officer

Domestic Violence/Career Criminal Squad

Sergeant

Police Officer

Domestic Violence Coordinator

Persons Squad - Days

Sergeant

Police Officer

VISA Office

Administrative Aide II

Persons Squad - Afternoons

Sergeant

Police Officer

Robbery Office

Police Officer

Property Crimes Section - Lieutenant

Crime Scene Squad

Senior I.D. Technician

I.D. Technician II

I.D. Technician I

Police Photographer

Auto Crimes Squad

Sergeant

Police Officer

Property Crimes Squad - Days

Sergeant

Police Officer

Pawnshop Office

Police Officer

Public Safety Specialist

Property Crimes Squad - Afternoons

Sergeant

Police Officer

Strategic Investigations Unit  
Captain  
Vice, Intelligence & Narcotics Section (VIN Section)  
Lieutenant  
Administrative Aide I  
Crime Analyst  
Organized Crime Squad  
Sergeant  
Police Officer  
Street Narcotics North Squad  
Sergeant  
Police Officer  
Street Narcotics South Squad  
Sergeant  
Police Officer  
Confiscations Office  
Police Officer  
Detached Duty Squad  
Sergeant  
Police Officer

3.1.11 The Span of Control for the Technical Services Division Commander is:

Clerk Typist

Information Resources Unit  
Captain  
Information Systems Management Section  
Information Technologist III  
Police Officer  
Information Technologist II  
Crime Analysis Section  
Crime Analyst  
Records Management Section  
Manager  
False Alarm Office  
Administrative Aide II  
Validations Office  
Complaint Operator II  
Records Office  
Police Records Supervisor  
Data Entry Staff  
Data Entry Clerk  
Customer Service Staff  
Administrative Aide I  
Records Technician

Public Safety Communications Unit

Captain

Clerk Typist

First Shift -

Manager

Communications Supervisor

Dispatcher

Complaint Operator II

Communication Operator

Manager

Communications Supervisor

Dispatcher

Second Shift -

Third Shift -  
Complaint Operator II  
Communication Operator  
Manager  
Communications Supervisor  
Dispatcher  
Complaint Operator II  
Communication Operator

Recording Service Section  
Communications Records Custodian

Professional Standards Unit  
Manager  
Staff Inspections Section  
Sergeant  
Accreditation Management Section  
Police Officer  
Office Associate V  
Planning & Research Section

3.1.12 The Span of Control for the Support Services Division Commander is:

Administrative Aide I  
Clerk Typist

Personnel Resources Unit  
Captain/Police Commander  
Background Section  
Sergeant  
Police Officer  
Training Section  
Sergeant  
Police Officer  
Administrative Aide I  
Range and Firearms Office  
Firearms Specialist

Property Management Unit  
Captain  
Property and Evidence Section  
Property and Evidence Technician II  
Property and Evidence Office  
Property Evidence Technician I  
Municipal Service Worker III  
Fleet Management Office  
Police Fleet Specialist  
Vehicle Research Office  
Property Evidence Technician I  
Quartermaster Office  
Property Evidence Technician I

Business Resources Unit  
Captain/Police Commander  
Payroll Section  
Administrative Aide II  
Account Clerk I  
Off-Duty Section  
Sergeant  
Administrative Aide II  
Data Entry Clerk

Court Liaison Section  
Sergeant  
Office Associate V  
Data Entry Clerk

**3.2 Knowledge and Conformity to Department Rules and Regulations, SOPs or General Orders [26.1.1]**

3.2.1 Employees shall thoroughly familiarize themselves with, conform to and abide by, the Department Rules and Regulations, SOPs, General Orders, City Work Rules, City Personnel Rules, and all union contracts. Employees must have a working knowledge of all laws and ordinances in force. In the event of improper action or breach of discipline, it will be presumed that the employee involved was familiar with the law and/or order in question. Upon return from any extended absence, they shall familiarize themselves with all changes that may have occurred during such absence.

3.2.2 All employees are responsible for maintaining a copy of the Department Manual, keeping it current and having a thorough knowledge of its content.

3.2.3 All employees are responsible for the information distributed through the Official Bulletin. See SOP #022 - Written Directive, Section VIII.

**3.3 Orders**

3.3.1 Employees shall strictly obey and properly execute any lawful order, issued either verbally or written, from any senior ranking commanding officer. The term "lawful order" shall be construed as an order in keeping with the performance of any duty prescribed by law, Department Rules and Regulations, SOPs, and General Order, or for the preservation of order, efficiency, or proper discipline. [12.1.3]

3.3.2 Orders from superiors to subordinates shall be clear and understandable in language, civil in tone, and issued in the pursuit of Departmental business.

3.3.3 Orders given by an employee of equal or lesser rank shall be obeyed when said employee is merely relaying the orders of a superior. [12.1.3]

3.3.4 Under normal operating conditions, the highest ranking employee present at an incident will assume command of the situation. When employees of the same organizational component of equal rank are at a scene, the senior employee shall assume command. When employees of two or more organizational components are involved in an incident, the ranking employee present from the organizational component responsible for the follow up investigation and/or conclusion of the case shall assume responsibility for, and take command of, the investigation. The Chief of Police has the authority to designate command authority in any situation as needed. [12.1.2c] [12.1.2d]

3.3.5 Subordinates in doubt as to the nature, meaning, or details of a lawful order shall seek clarification from the person issuing the order.

**3.4 Orders of the Chief of Police [12.1.1]**

3.4.1 Any written or verbal order posted or communicated bearing the signature or name of the Chief of Police shall have the same effect and be construed as a part of the Department Rules and Regulations, SOPs, or General Orders of the Department.

3.4.2 The approval of the Chief of Police is necessary before an order is issued effecting the entire Department. The Chief of Police's signature must be obtained as evidence of that approval.

3.4.3 An order issued by a commanding officer pertaining to the personnel of their particular command shall be considered an order of that command.

**3.5 Conflicting Orders**

3.5.1 Upon receipt of an order conflicting with any previous order or instructions, the employee affected will advise the person issuing the second order of this fact. Responsibility for countermanding the original instruction shall then rest with the individual issuing the second

order. If so directed, the subordinate shall obey the second order. The individual issuing the second order shall, as soon as practical, inform such commanding officer of the action taken. The subordinate shall not be held accountable for disobeying the original order. Conflicting orders shall be issued only when clearly necessary. [12.1.3]

**3.6 Unjust Orders and/or Orders Contrary to Regulations**

3.6.1 No commanding officer shall knowingly issue an order which is unjust or is in violation of any order or command issued by the Chief of Police or a commanding officer. Commanding officers have the discretion to take temporary action contrary to Department Rules and Regulations, SOPs or General Orders when circumstances justify doing so, but the commanding officer doing so will be held accountable for such decisions.

3.6.2 Employees who are given orders which they feel to be unjust or contrary to Department Rules and Regulations, SOPs or General Orders, must first obey the order to the best of their ability. They may then proceed to appeal as provided by Department Rules and Regulations, SOPs, or General Orders. In any case where there is sound reason to believe that such orders or instructions are inconsistent or unjust, it is the right of any employee receiving same to respectfully call it to the attention of the person issuing the order.

**3.7 Unlawful Orders [12.1.3]**

3.7.1 No commanding officer shall knowingly issue any order which is in violation of, or tends to nullify, any law or ordinance. Since obedience to any unlawful order is never a defense for any unlawful action, no employee is required to obey any order which is contrary to federal, state, county, or local law or ordinance. Responsibility for refusal to obey rests with the employee who shall be strictly held accountable to justify the action.

3.7.2 Employees who receive an order that, in their opinion, is unlawful, unjust, or improper, shall report it in writing to the Chief of Police through the chain of command. Appeals for relief from such orders shall be made at this time.

**3.8 Insubordination**

3.8.1 Employees shall not speak derogatorily or critically to other Department employees, or to any person outside the Department, regarding the orders or instructions issued by any commanding officer.

3.8.2 Failure or deliberate refusal of any employee to obey a lawful order given by a commanding officer shall be considered insubordination. Ridiculing commanding officers or their orders, whether in their presence or during their absence, is also insubordination. [28.1.1]

**Chapter 4 DUTY TO CONFORM TO LAW [26.1.1]****4.1 Duty to Conform to the Law**

4.1.1 Persons employed in law enforcement are highly visible representatives of the legal system and bear a heavy burden for maintaining, through their own conduct, the honor and integrity of all governmental institutions. Therefore, the conduct of employees of the Department shall not violate the law. Violation of an ordinance or state or federal statute, in addition to the possibility of legal and criminal prosecution, serves as fundamental grounds for disciplinary action.

**4.2 Duty to Conform to the Procedural Criminal Law**

4.2.1 All persons are guaranteed basic civil rights, including, but not limited to, freedom of speech, press, assemblage and petition; freedom from unreasonable arrest, search and seizure; freedom from self-incrimination; right to counsel; right to privacy; and due process and equal protection of the law. All employees are responsible for ensuring that civil rights are not violated.

**4.3 Duties Toward Those in Police Custody or Care**

4.3.1 All employees shall take appropriate action to insure the preservation of the health, welfare, safety, and property of any person within the custody or care of the Department. Employees shall further assure that no violence, indignities, or discourtesies are used in the management of any person within the custody or care of the Department and that, when needed, such persons obtain necessary medical attention.

**4.4 Commanding and Supervisory Responsibility**

4.4.1 Commanding officers are specifically charged with strict enforcement of the provisions of this chapter through exercising either their line or staff supervisory authority.

**Chapter 5 USE OF FORCE Also see SOP# 017 - Use of Force. [26.1.1]****5.1 Use of Force**

5.1.1 When in the course of official duties, a sworn employee is required by circumstances to utilize physical force against an individual, the degree and kind of force shall be calculated only to overcome unlawful resistance. Excessive and unnecessary force is prohibited. [1.3.1]

5.1.2 Any use of force will be documented on a "Control of Persons Report".

**5.2 Deadly Force Policy**

5.2.1 Sworn employees will use deadly force only in accordance with standard procedures of the Department, and will not violate or exceed statutory provisions governing the use of deadly force.

5.2.2 Sworn employees are authorized to use only such force as necessary, including deadly force, to protect life (prevent death or substantial harm to the sworn employees or another). [1.3.2]

**5.3 Excessive Force**

5.3.1 Sworn employees will not strike or use physical force on any person to the extent that injuries, which reasonably require professional medical treatment, are inflicted, unless necessary in self defense, or in defense of another, or to overcome actual physical resistance to arrest, or to prevent escape. Any use of force will be documented on a "Control of Persons Report".

<b>Chapter 6</b>	<b>EMPLOYEE REQUIREMENTS</b>
<b>6.1</b>	<b>Telephone Numbers and Residential Addresses</b>
6.1.1	Employees are required to have telephones at their place of residence. Pager numbers are not acceptable in lieu of a residential telephone. It is the employee's responsibility to ensure that their correct phone numbers and residential addresses are recorded in the Support Services Division. Changes in telephone numbers and residential addresses shall be reported to the Support Services Division within 24 hours of such change. The Support Services Division will be responsible for notifying the appropriate divisions and the Public Safety Communications Unit of the change.
6.1.2	This information is confidential pursuant to Chapter 119, Florida Statutes. Any employee who improperly uses or distributes this information will be disciplined.
6.1.3	Employees shall not use the Department or any Department facility as a mailing address for private or personal purposes without written permission of the Chief of Police and/or his designee.
6.1.4	The exception being that any sworn police officer may register a personally owned vehicle using the Department's street address or the use of a post office box with or without the street address of the Department. This exception is authorized by the Department of Highway Safety and Motor Vehicles.
6.1.4.1	A badge and identification card and/or a notarized statement on the Department's letterhead verifying employment of the officer must be presented to the auto tag agency. This statement must include the officer's badge number. The officer will be required to show this statement with each transaction on a license plate, as it will not be retained by the tag agencies.
<b>6.2</b>	<b>Personal Appearance</b> Also see SOP #129 - Uniform Standards & Personal Appearance. [26.1.1]
6.2.1	All employees shall maintain a neat, clean appearance and shall dress in good taste. Personnel permitted to wear civilian clothing shall conform to standards of cleanliness, neatness, and the standards set forth by the Department.
<b>6.3</b>	<b>Personal Conduct</b> [26.1]
6.3.1	Employees are members of a team working together with a primary objective of serving the community. Individuals who fail to follow the necessary rules and regulations, policies and procedures governing conduct, not only penalize themselves, but do a disservice to all other members of the Department and to the Community.
6.3.2	All Officers must be fully aware of the ethical responsibilities of their position and must strive constantly to live up to the highest possible standards of professional policing. An officer acts as an official representative of government who is required and trusted to work within the law. The Officer's powers and duties are conferred by state statute. The fundamental duties of an officer include serving the community, safeguarding lives and property, protecting the innocent, keeping the peace and ensuring the rights of all to liberty, equality and justice.
6.3.3	All Officers shall perform all duties impartially, without favor, affection, or ill will and without regard to status, sex, race, national origin, religion, political belief, or station in life. All citizens will be treated equally with courtesy, consideration, and dignity. Officers will never allow personal feelings, animosities, or friendship to influence official conduct. Laws will be enforced appropriately and courteously and, in carrying out their responsibilities, officers will strive to obtain maximum cooperation from the public. Officers will conduct themselves in appearance and deportment in such a manner as to inspire confidence and respect for the position of public trust they hold.

6.4 **Authority** [26.1.1]

6.4.1 Officers shall not exceed their authority in the enforcement of the law.

6.4.2 Officers shall not disobey the law or rules of criminal procedure in such areas as interrogation, arrest, detention, searches, seizures, use of informants and preservation of evidence.

6.4.3 Officers shall not restrict the freedoms of individuals, whether by arrest or detention, in violation of the Constitution and the Laws of the United States and the State of Florida.

6.5 **Integrity** [26.1.1]

6.5.1 Officers will not knowingly make false accusations of any criminal ordinance, traffic or other law violations. This provision shall not prohibit the use of deception during criminal investigations or interrogations as permitted under law.

6.5.2 Employees shall truthfully, completely and impartially report, testify and present evidence, including exculpatory evidence, in all matters of an official nature.

6.5.3 Employees learning of conduct or observing conduct which is in violation of any law or policy of this Department by another Officer(s) and/or non-sworn employee(s) of the Department shall take necessary action and report the incident to the officer's/employee's immediate supervisor, who shall be required to prepare an "Allegation of Employee Misconduct Form". The failure of the supervisor to adhere to the aforementioned rule will subject him/her to disciplinary action. [26.1.6]

6.5.4 No employee shall intentionally make false reports, either written or verbal, or enter or cause to be entered in any departmental book, record, or report any inaccurate, false or improper information.

6.6 **Responsibility** [26.1.1]

6.6.1 Employees will not consume alcoholic beverages of any kind while on duty, except as authorized in the performance of official duties. Employees will not report for duty with the odor of alcoholic beverages on their breath, or while under the influence of alcohol, which would adversely affect their job performance.

Employees shall not bring intoxicating beverages into any police building or vehicle except that has been seized as evidence, contraband, unsecured property, or a prisoner's property.

Employees shall not consume intoxicating beverages on Department premises or vehicles.

Employees shall not consume intoxicating beverages while in uniform or while wearing any identifiable part of a Departmental Uniform while off duty.

Employees, while off duty and partaking of alcoholic beverages and/or frequenting premises established primarily for consumption or sale of alcoholic beverages, will do so only as private individuals and will not display departmental identification unless necessary to perform official duties.

While off-duty, employees may be subject to disciplinary action if found to be disorderly and intoxicated in a public place.

6.6.2 Employees will not use any controlled substance except when prescribed in the treatment of an illness by a physician or dentist. An employee shall immediately notify his supervisor before reporting for duty when prescribed medication is used that might affect their ability to perform their duties.

6.6.3 Employees will not enter or frequent places established primarily for the sale, storage, or consumption of alcoholic beverages; the sale or display of sexually explicit pictures or materials; or nude or semi-nude performances while on duty and/or in uniform, except in discharge of official duties.

Employees are prohibited from visiting, attending, entering or patronizing, other than strictly in the line of duty with the knowledge and consent of their immediate police supervisor, any premises or establishment where illegal activities are known, believed or reasonably suspected to take place.

6.6.4 Employees will avoid regular or continuous association with persons, other than immediate family, who are known to have the lifestyle of continuing criminal activity, (i.e., racketeering, drug use, sexual offenses, burglary, theft, or dealing in stolen property), or are known to be under investigation by the Department, or another law enforcement agency for felony investigations.

6.6.5 Employees who are under criminal investigation and/or arrested by another law enforcement agency shall notify their Division Commander immediately of such investigation and/or arrest.

6.6.6 Employees shall not, while on duty, partake in wagering or gambling, included but not limited to, parimutuel wagering or purchase or redemption of lottery tickets.

Exception: The foregoing prohibition shall not apply when the employee is engaging in any departmentally sanctioned activity.

**6.7 Courtesy and Respect [26.1.1]**

6.7.1 Employees will courteously and promptly adhere to policies and procedures established for the investigation of complaints of alleged misconduct by Department personnel.

6.7.2 Employees will be polite and courteous in contacts with the public and other Department personnel.

6.7.3 Employees shall not ridicule, mock, deride, taunt, belittle, willfully embarrass, humiliate or shame any person or do anything reasonably calculated to incite a person to violence.

**6.8 Unlawful Compensation [26.1.1]**

6.8.1 Employees shall not use their official position, identification cards or badges:

1. For personal or financial gain, for themselves or another person.
2. For obtaining privileges not otherwise available to them except in the performance of duty.
3. For avoiding consequences of unlawful or prohibited actions.

6.8.2 Employees shall not lend to another person their identification cards, badges, uniforms or any other police equipment or permit these items to be photographed or reproduced without the written approval of the Chief of Police.

6.8.3 Employees shall not authorize the use of their names, photographs, or titles in a manner that identifies the employee of this Department in connection with advertisement for any product, commodity or commercial enterprise without the written approval of the Chief of Police first.

6.8.4 Employees shall maintain a neutral position with regard to the merits of any labor dispute, political protest, or other public demonstration while acting in an official capacity.

6.8.5 Employees shall not accept any gift, gratuity, or reward in money or other consideration for services rendered in the line of duty to the public or to any person, business or agency except that authorized in writing by the Chief.

6.8.7 Any unauthorized gift, gratuity, loan, fee reward, service or other thing coming into the possession of any employee shall be forwarded immediately to the Office of the Chief of

Police. The Chief shall make all reasonable attempts to return the item to the donor. Failing in this, the item shall be donated to a charitable organization.

6.8.8 Employees shall not accept or solicit referral fees, rebates, or so-called "kickbacks" from individuals or companies receiving business because of Department activities. Such referral fees, rebates, or "kickbacks" include money, services, favors, gifts, discounts, considerations, or anything of service value. All such activities are prohibited, but not limited to, those received from polygraph services, security services, tow truck operators, ambulance services, hospitals, clinics, auto repair shops, lawyers, undertaker, restaurants, and companies selling or providing equipment or services to the Department. (This does not apply to Department activities that are charitable in nature, such as the Holiday Toy Giveaway, Police Athletic League activities, P.O.A.T., and any other similarly related charitable activities).

6.9 **Inappropriate Influence** [26.1.1]

6.9.1 Employees shall, unless required by law or policy, refrain from becoming involved in official matters, or influencing actions of other employees in official matters, impacting the employee's family, relatives, persons with whom the employee has or has had a significant personal relationship or with whom the employee has or has had business or employment relationships.

6.9.2 Officers shall not use the authority of their position as employees, or information available to them due to their status as employees, for any purpose of personal gain including, but not limited to, initiating or furthering personal and/or intimate interactions of any kind with persons with whom the officer has had contact with.

6.10 **Confidentiality** [26.1.1]

6.10.1 Employees shall not knowingly violate any departmental restrictions for the release or dissemination of information, except in the course of official duties or as required by law, or publicly disclose information likely to endanger or embarrass victims, witnesses or complainants.

6.10.2 Employees shall not divulge the identity of persons giving confidential information except as required by law or Department policy.

6.10.3 Employees shall not make known to any persons the contents of any directive or order, which they may receive, if such disclosure would destroy the intended effect of that order or police activity.

6.10.4 All information, not prohibited by Departmental Orders, shall be given courteously and accurately to persons requesting same.

6.10.5 Employees shall not reveal the identity, presence, activities or description of undercover, plainclothes and narcotics officers except in the strict discharge of their duty.

6.10.6 Except in the strict discharge of duty, employees shall not reveal the existence of or any information regarding Department projects, investigations, or operations aimed at the apprehension of criminals or the suppression of vice activities.

6.11 **Training**

6.11.1 All employees shall attend in-service, specialized, promotional and other training at the discretion of the Chief. Such attendance shall be considered a duty assignment. Certificates of completion and other relevant documents pertaining to such activities will be filed, when submitted, in the employee's personnel file. It is the employee's responsibility to provide the certificate and/or other relevant documents to the Support Services Division for filing. [33.1.2] [33.5.1]

6.11.2 If a supervisor determines that infractions or poor work quality are the result of a lack of knowledge of procedures or policy, the supervisor may request training through their Division Commander to the Training Section. The purpose of additional training is to assist the employee in correcting and improving his performance level. Training may be conducted during reasonable hours on the Department's time. [26.1.4a]

**6.12 Civil Litigation**

6.12.1 Employees shall not seek in any way, nor shall they accept from any person, money or other compensation for damages sustained or expenses incurred by them in the line of duty without first notifying the Chief, in writing via chain of command, of such action and first receiving written approval.

6.12.2 Employees who have received sick leave or salary for illness or injury sustained off-duty shall notify the Chief in writing via chain of command, of any intent to seek, sue, solicit, or accept compensation for damages before any action is taken, and shall include the facts of the claim and the name of the respondent.

6.12.3 Employees served with notices that they are being sued as a result of actions performed in the line of duty shall immediately send written notification of this to the Chief of Police via the chain of command. This notice shall include all of the facts of the incident and details relating to the civil suit.

**6.13 Department Equipment [26.1.1] [17.5.1]**

6.13.1 Employees shall notify their immediate supervisor of any loss, damage, defects, or hazardous conditions of any City of Miami Beach equipment or property as soon as such are discovered.

6.13.2 Employees will not intentionally mark, mar, alter, or deface any Department facility or equipment.

6.13.3 Employees will not place unauthorized or objectionable material on Department bulletin boards or intentionally mark, mar, alter, deface, or remove printed or written notices properly placed upon the bulletin boards.

6.13.4 Employees will not appropriate any Department property for their own use, either on a temporary or permanent basis.

6.13.5 Employees will utilize Department equipment for its intended purpose in accordance with established procedures, and will not subject such equipment to loss, or damage through careless handling or abuse or intentional abuse.

6.13.6 Employees shall not use unauthorized or non-approved equipment. [1.3.9]

**6.14 Political Activity**

6.14.1 Employees will not engage in political activities while on duty or use their position as Miami Beach employees to influence others in their support or opposition to a candidate or issue.

6.14.2 Employees will not enter or remain within an official polling place without permission from Elections Officials, except to cast a ballot or in the performance of their official duties.

**6.15 Performance of Duties [26.1.1]**

6.15.1 Employees will remain at or within their assigned work areas during working hours unless otherwise authorized by a supervisor.

6.15.2 Officers will carry their badge and identification card on their person at all times when carrying a firearm, including a concealed firearm, except when engaged in covert assignments or when made impractical by the nature of activities being performed.

6.15.3 Employees will wear issued identification cards or badge conspicuously while in or about the Department's facilities, unless exempted by their Division Commander.

6.15.4 Employees will maintain the security of official Department identification and will not lend their identification card, access card, or badge to another person, or permit them to be reproduced without the approval of the Chief.

6.15.5 Employees shall identify themselves and display their official credentials when requested. Employees shall not attempt to hide their official identity, unless such identification will hinder an investigation.

6.15.6 Employees will adhere to SOPs, regulations and directives, and will faithfully execute all duties and responsibilities of their assigned position.

6.15.7 Officers assigned to specialized duties or assignments are not relieved from taking proper police action outside the scope of their specialized assignment when necessary.

6.15.8 All calls for police service shall be answered as soon as possible consistent with normal safety precaution and traffic laws. Except under the most extraordinary circumstances or when otherwise directed by competent authority, no employee shall fail to answer any assigned radio call or to monitor the appropriate channel of their radio.

6.15.9 Employees will be attentive to job duties and will avoid any appearance of loitering or otherwise neglecting work.

6.15.10 Employees will submit all reports required in the execution of their duties before concluding a tour of duty, except as authorized by a supervisor.

6.15.11 Sworn employees will respond to calls for assistance from citizens or other Department employees, and will take appropriate action in emergencies or criminal occurrences while on and off duty.

6.15.12 Employees will be attentive to their job duties and will not knowingly refrain or cause another to refrain from the performance of their lawful duties required for the safety of persons or property. Sworn employees will take appropriate action in response to emergencies where there is known danger to the lives of others, and in response to serious crimes, particularly those of violent nature, which comes to their attention while on or off duty.

6.15.13 Sworn employees will not avoid their required duties because of fear or cowardice. Sworn employees are not expected, or required to enter imminently hazardous situations without assistance. However, they will not fail to come to the aid of another employee of the Department who is already engaged in an imminently hazardous situation. Sworn employees will respond to the aid of persons in danger unless the probability of serious injury or losing their own life exceeds the probability of a successful rescue.

6.15.14 Employees are required to maintain job knowledge and skills necessary for the performance of official duties.

6.15.15 Employees will maintain and demonstrate their knowledge of the law and criminal procedure, and will maintain proficiency in required interpersonal skills, care and use of vehicles and equipment, and the use of firearms, by demonstrating proficiency in accordance with established standards and qualification requirements.

Employees may be retested for proficiency as provided by policy, with each subsequent failure to qualify constituting an additional offense. Failure to maintain job skills after instruction or training will result in increasing the severity of disciplinary actions.

6.15.16 Employees sustaining any personal injury that might impair their fitness for duty, whether sustained on duty or off duty, will promptly provide written notification of the injury to their supervisor.

6.16 **Hours of Duty:** See SOP #057 - Attendance/Payroll, Classification, Duties and Responsibilities

6.16.1 Employees will report for duty in accordance with their assigned work schedules and will not be absent from duty without authorization or having made proper notification. Failure to do so shall be deemed neglect of duty. Employees unable to report for duty at their prescribed reporting time due to illness, shall notify the Public Safety Communications Unit not less than one hour prior to nor one hour after their reporting time. Employees who anticipate tardiness due to personal or transportation difficulties should notify the PSCU or their own supervisor as soon as possible.

6.16.2 Unless otherwise directed, employees shall report to daily roll call at the time and place specified, properly uniformed and equipped. There, they shall give careful attention to orders and instructions for the tour of duty.

6.16.3 When a condition exists that is deemed by the Chief, or his designee, to be of an emergency nature, regular tours may be extended and/or days off, vacations, and leaves of absence of any or all Department personnel may be canceled.

6.16.4 All employees shall remain at their assignment and on duty until properly relieved, or until dismissed.

6.16.5 Sworn employees shall be assigned regular hours for "Active Duty", and, when not so assigned, they shall be held to be always subject to duty. Although periodically relieved in the routine performance of duty, they are always subject to orders from proper authorities and to calls for assistance from citizens within the City of Miami Beach.

6.17 **Sick Leave** See SOP #057 - Attendance/Payroll, Classification, Duties and Responsibilities

6.17.1 Employees will not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive any supervisor as to the condition of their health for purposes of avoiding normal duties through the use of sick leave. Performance of activity in conflict with stated purpose of sick leave will constitute evidence of abuse. A record of claiming sick time in conjunction with days off, holidays, or weekends off will be considered abuse.

6.17.2 Employees will not feign illness or injury, or falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any supervisor as to their health for the purpose of making a fraudulent claim for family medical leave, insurance, worker's compensation, or disability retirement benefits.

6.18 **Harassment Policy (See SOP #009): [26.1.3]**

6.18.1 A commitment to maintain a work environment free of harassment is a condition of employment with the City of Miami Beach. Each employee should be able to enjoy a non-hostile work place free of harassment. Failure to comply with this policy will subject an employee to disciplinary action.

6.18.2 Employees will not make derogatory remarks concerning race, sex, religion, age, sexual orientation or national origin of any person.

6.18.3 Employees will not harass, threaten or coerce any other employee or person.

6.18.4 Employees will not engage in conduct defined by law and/or the Department's policy that constitutes any type of harassment.

6.19 **Publicity** [26.1.1]

6.19.1 Employees shall not seek personal publicity in the course of their employment. Stories, features, or articles on radio or television or in magazines or newspapers, dealing with

individual Departmental employees in other than day to day type news coverage, must receive prior approval from the Chief, or his designee, before such coverage is initiated.

6.19.2 Employees will obtain the approval of the Chief or his designee, in writing, before authorizing the use of their names, photos, or official titles that identify them as employees of the Department in testimonials, advertisements of any commodity, or commercial enterprises.

6.19.3 No employee shall address any public or private gathering, or appear on radio or television programs, or write articles or manuscripts for publication wherein they are identified as an employee, or wherein the subject matter relates to law enforcement and/or the Department, unless authorized by the Chief or his designee.

6.20 **Sleeping on Duty [26.1.1]**

6.20.1 Sleeping on duty is strictly prohibited. Employees who feel that they are overly fatigued have the obligation to make this fact known to their immediate supervisor. Supervisors should temporarily transfer the affected individuals to assignments where the safety and welfare of others will not be jeopardized or relieve the individual from duty.

6.21 **Compromising Criminal Cases [26.1.1]**

6.21.1 Employees shall not involve themselves, or interfere with cases being investigated by other officers or other governmental agencies, nor undertake any investigation or other official action not part of their regular duties unless ordered to do so by a supervisor or where a manifest injustice might otherwise occur. In the later case, the employee's supervisor will be notified immediately thereafter.

6.21.2 Except in the interest of justice, employees shall not attempt to have any traffic citation or criminal case reduced, voided or stricken from the calendar. Employees having knowledge of such action and failing to inform their supervisor thereof shall be subject to discipline.

6.21.3 Employees shall not communicate in any manner, either directly or indirectly, any information which might assist persons accused of criminal acts to escape the full process of law. [54.1.1g]

6.22 **Conflicts of Interest [26.1.1]**

6.22.1 Employees will avoid official involvement in personal, civil, domestic or family disputes. Such disputes will be referred for investigation by impartial on duty officers. Officers will not attempt to exercise authority or make an arrest in their own quarrels, but will contact a supervisor who will cause the matter to be investigated and action taken by impartial officers having no personal interest in the dispute.

6.23 **Outside Employment [26.1.1]**

6.23.1 Employees shall not engage in any business or employment in their off-duty hours which, by its nature or by its demand upon them produces:

- Conflict of interest
- Detriment or impaired service to the Department

6.23.2 Employees will obtain approval in conformance with the City policy before engaging in other employment, occupation, profession, or commercial enterprise.

6.24 **Recommending Attorneys or Bail Bondsmen [26.1.1]**

6.24.1 Employees will not recommend, advise, or suggest to any person arrested, prisoner, or any other person concerned with a prisoner in custody, the employment or services of any specific attorney or bail bondsman.

6.24.2 Employees will not become surety, guarantor, or furnish bail for any person arrested or charged with a crime except members of their immediate family and then only upon notification of his supervisor.

**6.25 Recommending Private Business or Company [26.1.1]**

6.25.1 Employees will not refer or recommend any private business or company to the public while the employee is acting in his official capacity or representing the Department.

**6.26 Public Comment [26.1.1]**

6.26.1 Employees shall not publicly criticize or ridicule the Department, its policies, or employees by talking, writing, or other expression where such comment or criticism tends to impair the operation of the Department, interfere with its efficiency, interfere with the ability of supervisors to maintain discipline, or where such comment is made with reckless disregard for truth or falsity; or when such comment is obscene; or where such comment is slanderous or defamatory; and where such comment is unlawful, jeopardizes an ongoing investigation, or endangers the safety of any individual.

6.26.2 Employees who are authorized spokesmen for employee organizations or collective bargaining groups shall not be restrained from public comment on the issues in question, provided that such comment is made:

- a. that such employee(s) make clear that they speak on behalf of their organization and not on behalf of the Department.
- b. that such comment does not violate the law.

**6.27 Membership In Organizations [26.1.1]**

6.27.1 Employees may participate in organizations or activities that are concerned with the improvement of law enforcement working conditions and standards. Employees may hold membership in and engage in the activity of fraternal or community organizations which are lawful and do not bring disrepute upon the employee or the Department.

6.27.2 Employees will not be members of, or attend meetings of, or be an advocate for any group or organization that would reflect negatively on the Department or adversely affect the employee's ability to perform his duties.

**6.28 Conduct Unbecoming [26.1.1]**

6.28.1 Conduct unbecoming an employee of the Department is defined as any conduct or act, which has an adverse impact upon the operation of the Department, and destroys public respect and confidence in the Department and its employees.

Such conduct may include, but is not limited to, participation in any immoral, indecent or disorderly conduct, or conduct that causes substantial doubts concerning a an employee's honesty, fairness, or respect for the rights of others, or the laws of the state or nation, regardless of whether such act or conduct constitutes a crime.

6.28.2 Employees, whether on or off duty, shall not commit any criminal offense under any laws of the United States, the State of Florida or any local jurisdiction in which the employee is present, except where permitted in the performance of duty under proper authority.

6.28.3 The following acts of employees shall be deemed sufficient cause for disciplinary action, including counseling, reprimand, suspension, demotion or dismissal.

6.28.3.1 Has been convicted of a felony, or of a misdemeanor; or has been guilty of an immoral or criminal act.

6.28.3.2 Has been guilty of misuse of sick leave privilege or excessive tardiness or absenteeism without good cause.

- 6.28.3.3 Has wilfully, wantonly or through culpable negligence, been guilty of brutality or cruelty to a prisoner or to a person in custody.
- 6.28.3.4 Has wilfully violated any of the provisions of the Civil Service Act, Personnel Rules of the City of Miami Beach, City Work Rules, or the Department Rules and Regulations, SOPs or General Orders of the Department.
- 6.28.3.5 Has violated any lawful or reasonable regulation or order, or failed to obey any lawful or reasonable direction made and given by a supervisor.
- 6.28.3.6 Has been intoxicated, or under the influence of intoxicants or narcotics (controlled substances without prescription, barbiturates, or central nervous system stimulants as defined in FSS 893.2 and FSS 893.356(s)(a)), while on duty or while wearing any portion of an issued uniform, whether on or off duty.
- 6.28.3.7 Has used any amount of intoxicants or narcotics during on duty hours.
- 6.28.3.8 Has contracted a mental or physical ailment or defect which incapacitates him for usefulness for city service.
- 6.28.3.9 Has knowingly harbored a serious communicable disease that may endanger others, or knowingly expose others to a serious communicable disease.
- 6.28.3.10 Has been guilty of actions which amount to insubordination or disgraceful conduct, whether committed on duty or off.
- 6.28.3.11 Has been wantonly offensive in conduct or language toward the public or city officers or other employees.
- 6.28.3.12 Is careless or negligent of the property of the city, or steals, misplaces or misuses equipment, materials, property or any other thing of value belonging to the city.
- 6.28.3.13 Has been incompetent, negligent or inefficient to such an extent that merit ratings fall below a reasonable minimum standard.
- 6.28.3.14 Has used, or threatened, or attempted to use political influence in securing promotion, leaves of absence, transfer, change in pay, change in character of work, or revision of examination grade.
- 6.28.3.15 Has intentionally falsified time records or failed to report absences from duty to a superior in accordance with prescribed procedures.
- 6.28.3.16 Has been absent from duty without approved leave of absence from the Chief, or contrary to prescribed procedures, or has failed to report after a leave of absence has expired, or within a reasonable time after such leave of absence shall have been revoked or canceled.
- 6.28.3.17 Has willfully refused and failed to appear before any grand jury, court, or judge, or officer, board or body authorized by law or the City Commission to conduct any hearing or inquiry relative to the official duties of such employee, or has refused and continues to refuse to answer any related questions concerning official duties which have been asked as a part of an official hearing or inquiry by the Department, the City Manager or by any other person authorized by the City Commission or the City Manager to conduct such a hearing or inquiry.
- 6.28.3.18 Has been guilty of gross negligence or gross inefficiency in the performance of his duties, where such negligence or inefficiency has or might result in loss or injury to the city, the public, or to persons or property affected thereby.
- 6.28.3.19 Has violated the provisions of Part II Code, Chapter 2 Administration, Article VII, Standards of Conduct for City Officers and Employees, of the City Code of the City of Miami Beach, ordinances of Miami-Dade County, or the laws of the State of Florida. (See Appendix G)

6.28.3.20 Has been guilty of conduct unbecoming an employee of the city.

6.28.3.21 Has guided, or in any manner has been concerned in assessing, soliciting or collecting money from any employee in the service of the City of Miami Beach for the purpose of making a gift to a public officer in violation of any City Ordinance or State Statute.

6.28.3.22 Has been induced, has induced or has attempted to induce an employee in the service of the City of Miami Beach to commit an unlawful act, or to act in violation of lawful and reasonable Departmental or official regulation or order; or has taken any fee, gift or other valuable thing in the course of his work or in connection with it for his personal use from any citizen, when said contribution is made with the hope or expectation of receiving a favor or better treatment than is accorded to other citizens.

6.28.3.23 Has made a false statement in the application for employment or has given false information on their pre-employment medical examination and the false information was discovered after employment.

6.28.3.24 Has been refused surety bond by the City's bond carrier that carries the city fidelity bonds on all city employees when such bond is applied for as qualifications for employment, or has been refused continuance of coverage under such surety bonds.

6.28.3.25 Has solicited, accepted or received, either directly or indirectly, any gift, reward, present, service, loan, fee discount, donation, gratuity or other thing of value for the performance of any duty imposed upon them by virtue of their office aside from their official capacity, provided, however, that this rule and regulation does not apply in cases of meritorious service rendered by an employee of said service and has been specially authorized by the Chief in each instance to receive such reward, gift, present, donation, gratuity, or other thing of value.

6.28.3.26 Has engaged in work slow downs or restriction of work output, or interfered with work in or about the Department including, but not limited to, instigating, leading, or participating in any walkout, strike, sit-down, stand-in, slowdown, refusal to return to duty at the scheduled time, or otherwise instigate, lead, or contribute to job actions that undermine supervisory authority and seriously affect discipline, morale, or organizational effectiveness.

6.28.3.27 Has committed any act which, as defined under Florida and Federal Law, constitutes sexual harassment, including but not limited to, making unwelcome sexual advances, requesting sexual favors, engaging in sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature.

6.28.3.28 Has, while off duty, engaged in any conduct which the employee knows, or reasonably should know, constitutes unwelcome sexual advance or request for sexual favor, or unwelcome sexually motivated physical contact or unwelcome verbal or physical conduct or communication of a sexual nature.

6.28.3.29 Has committed any acts which, as defined under Florida Law, constitute sexual assault or indecent exposure. Sexual assault does not include a frisk or other search done in accordance with proper police procedures.

6.28.3.30 Has committed any acts which, as defined under Florida Law, constitute (1) domestic violence and/or stalking, or (2) the violation of a court order restraining the employee from committing an act of domestic violence, having contact with the petitioner, or excluding the employee from the petitioner's home or workplace.

6.28.3.31 Has, in the course of performing their duties, engaged in any sexual contact or conduct constituting lewd behavior, including but not limited to, exposing themselves or otherwise making physical contact with the nude or partially nude body of any person, except as pursuant to a written policy of the Department.

6.28.3.32 Has been fighting or quarreling with employee(s) of the Department.

- 6.28.3.33 Has committed negligent use or discharge of a firearm, providing no injury or death resulted from the misuse.
- 6.28.3.34 Has failed to properly supervise subordinates.
- 6.28.3.35 Has failed to take appropriate disciplinary action.
- 6.28.3.36 Has received excessive moving vehicle violations or excessive unpaid parking violation tickets.
- 6.28.3.37 Has failed to use seatbelts.
- 6.29 Careless Disregard [26.1.1]**
- 6.29.1 Repetitious violation of the Departmental Rules and Regulations, SOPs, General Orders or procedures will be indicative of careless disregard. Such disregard may be established whenever three or more substantiated violations occur within one year.
- 6.30 Signing of Documents [26.1.1]**
- 6.30.1 Employees will comply with direct instructions given by a supervisor in regard to signing any official Departmental document. Unless otherwise specified, affixing one's signature to the document services as acknowledgment and/or receipt of the document and does not necessarily indicate agreement with its content. In circumstances when personnel disagree with the content of a document, a written rebuttal may be submitted for attachment to the document.
- 6.31 Tortuous Acts [26.1.1]**
- 6.31.1 Employees will not commit by act of commission or omission, any flagrant or tortuous act while in the performance of their duties. Violations of Civil Rights Acts under Color of Law (Title 18 U.S.C. 241 and 242) are federal offenses, punishable by fine and/or imprisonment.
- 6.32 Conflicting Statements [26.1.1]**
- 6.32.1 Employees will not knowingly make statements that contradict or are inconsistent with each other in an official or administrative inquiry. The question of materiality will be determined by the Chief or his designee. Proof of which statement is false will not be necessary. It will be a defense that the individual making the statements believed each statement to be true at the time it was made.
- 6.33 Answering Questions in an Official Investigation [26.1.1]**
- 6.33.1 Employees must answer questions specifically, directly, and narrowly related to the performance of their duties. If an employee refuses to answer such questions without being required to waive their immunity with respect to the use of their answer, or fruits of their answers in a criminal prosecution, the privilege against self incrimination will be of no barrier against disciplinary action.
- 6.34 Untruthfulness [26.1.1]**
- 6.34.1 Employees will not knowingly make untrue statements, except as authorized in the performance of duties.
- 6.34.2 Employees will not knowingly make false statements to a supervisor or any official of a government agency during an official or administrative inquiry.
- 6.35 Subpoenas and Court Appearances [26.1.1] [74.1]**

- 6.35.1 Employees will report to the specified location at the time and date required by a subpoena. Employees unable to respond to a subpoena due to sickness, injury, or other such causes, or because of conflict with another subpoena will notify the appropriate authority originating the subpoena to obtain a release from the subpoena and notify the Court Liaison Section.
- 6.35.2 Employees subpoenaed to testify against the City or the Department or the County, in any trial or hearing, will notify his supervisor in writing, upon receipt of the subpoena.
- 6.35.3 Employees will not appear or give testimony as a character witness for any defendant in a criminal trial or inquiry without written approval of the Chief or his designee.
- 6.36 **Search of Arrested Persons [26.1.1]**
  - 6.36.1 Officers will adhere to Department arrest procedures and will exercise proper care in the arrest, transportation, and detention of prisoners to prevent escape, injury to self or others, or damage to property. Upon arrest, prisoners will be searched carefully by the arresting officer. Weapons, contraband, or evidence will be immediately confiscated and properly documented. When a prisoner cannot be thoroughly searched before transport or custody, the arresting officer will notify the person receiving the prisoner.
- 6.37 **Wearing Uniform While Under Disciplinary Suspension [26.1.1]**
  - 6.37.1 Employees will not wear the official uniform, or other articles of clothing that bears the official insignia or otherwise identifies the person as a member of the Department, while under disciplinary suspension.
- 6.38 **Property and Evidence (See SOP #036 - Evidence and Property) [26.1.1]**
  - 6.38.1 Property and evidence, received in connection with official duties, will be processed in accordance with established procedures. Employees will not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold any property or evidence held in connection with an investigation or other official action.
- 6.39 **Supervisor Responsibility [26.1.1]**
  - 6.39.1 Supervisors are charged with the responsibility of providing guidance and assistance to their subordinates and instilling positive work ethics. Supervisors will be cognizant that such responsibility includes maintaining a working knowledge of the goals and objectives of the Department, and continuously working toward these goals and objectives. Supervisors must exemplify leadership qualities consistent with the Department's Mission Statement.
- 6.40 **Radio Transmissions [26.1.1]**
  - 6.40.1 Employees will use their radios in accordance with established procedures and will avoid use of sarcasm, impudent remarks, or other improper radio transmissions including interfering with radio broadcasting. Employees will not use the radio for non-police functions or personal business. Employees are to monitor their radios at all times.